

NAME: QASSAM JAMAL

ROLL NO: 2K20/CRME/101

SUBJECT: JUVENILE DELINQUENCY

TEACHER’S NAME: MISS TANIYA

What are the rights of prisoners?

This report is based on research conducted in Pakistan during May and August 1998 by Vikram Parekh, a Human Rights Watch researcher, and Ali Qazilbash, a consultant to Human Rights Watch. The report was written by Vikram Parekh, and edited by Yodon Thonden, counsel to Human Rights Watch, and Patricia Gossman, senior researcher at Human Rights Watch. Additional comments were provided by Michael Bochenek, counsel to Human Rights Watch.

Human Rights Watch is indebted to several individuals and non-governmental organizations in Pakistan that have done extensive work on juvenile justice and who generously assisted us in the course of researching this project. They include Zia Awan of Lawyers for Human Rights and Legal Aid; Hina Jilani, Mohammad Hamza, and Rana Muhammad Athar Jamal of the AGHS Child Rights and Legal Aid Cells; Afrasiab Khattak, I.A. Rehman, Aziz Siddiqui, and Brig. (ret'd) Rao Abid Hamid of the Human Rights Commission of Pakistan; Anees Jillani of the Society for the Protection of the Rights of the Child; and Dr. Amin A. Gadit, Associate Professor of Psychiatry, Hamdard College of Medicine, Karachi. We would also like to thank several government officials and judicial authorities for their generous cooperation and assistance in our research. They include Mian Saqib Nisar, who at the time of our initial visit was Secretary of Law in the Government of Pakistan; Dr. Faqir Hussain, Joint Secretary, Pakistan Law Commission; Dr. Abdul Majeed Ahmed Auolakh, Principal, Central Jail Staff Training Institute, Ministry of the Interior; Muhammad Masood Khan, Senior Lecturer (Law), Central Jail Staff Training Institute, Ministry of the Interior; Kamran Dost, Deputy Secretary (General), Home Department, Government of Sindh; Zain-ul-Abideen, Inspector-General of Prisons, Government of the North-West Frontier Province; Neelofar Shahnawaz, Judicial Magistrate (Juvenile Court), Karachi, and Mohammed Aslam, judicial magistrate, Lahore.

Special mention should be made of the Government of Punjab province, which granted us permission to inspect each of the facilities that we requested. In particular we wish to thank Zia-ul-Hassan, Inspector-General of Prisons, who authorized our visits; Muhammad Arshad Bhatti, Additional Secretary, Home Department; Captain Sarfraz Mufti, Deputy Inspector-General of Prisons; Chaudhry Afzaal Mehmood, Superintendent, and Tareen Farooq, Deputy Superintendent, Borstal Institute and Juvenile Jail, Bahawalpur; Zia Ullah, Superintendent, District Jail, Lahore; and Kasim Baloch, Deputy Superintendent, Rawalpindi.

Finally, we would like to thank the many children whom we interviewed, whose names have been changed in this report to protect their privacy. We also wish to thank those human rights activists and government officials whose names have been withheld so as not to jeopardize their security or position.

SUMMARY AND RECOMMENDATIONS

Though nine years have passed since Pakistan ratified the U.N. Convention on the Rights of the Child, Pakistani children in conflict with the law continue to be denied the juvenile justice protections of the convention.

Juvenile justice, as conceptualized in the Convention on the Rights of the Child and other international instruments, is predicated on the adjudication of children's cases with a view to their rehabilitation and early reintegration into their communities. It entails separate custodial arrangements for children, a right to counsel, the timely processing of their cases, and the liberal use of alternative sentencing measures, such as release on probation or education and vocational training. The convention prohibits the imposition of capital punishment as well as torture and any other form of cruel, inhuman, or degrading treatment or punishment.

What children in Pakistan actually encounter in the criminal justice system is at stark variance with these provisions. Of the 2,700 juvenile prisoners in Punjab province during February 1998, 91 percent were awaiting the conclusion of their trials, a process that can take months or even years. While their trials are pending, children languish in overcrowded, often harsh detention facilities that offer few educational or recreational opportunities. Their situation is rendered all the more poignant by the low conviction rate for children: between 13 and 17 percent.

Although Pakistan's Criminal Procedure Code requires that detainees be brought before a magistrate within twenty-four hours of their arrest, most are held for extended periods of time in police custody. One child interviewed by Human Rights Watch had spent three months in police lockups, while several others had been held for at least two weeks without being produced before a magistrate. Such cases of illegal detention are often masked by the police practice of falsifying arrest dates.

Children and adults in police custody usually share the same cells and in most respects receive the same deplorable treatment. Detainees generally depend on their families for meals, and the cells in which they are held are sometimes severely overcrowded. While in police custody children and adults alike are routinely subjected to various forms of physical torture, including being beaten, hung upside down, or whipped with a rubber strap or specially designed leather slipper. Torture is employed to obtain confessions or information about a case, although police officers also rely on it to punish, intimidate, or extort payment from detainees. In addition, children are also vulnerable to sexual assault by police.

In May 1998, a thirteen-year-old boy, Ghulam Jilani, died in a police station in the northern town of Mansehra. Although the police filed a report asserting that the boy had committed suicide, a fellow detainee's account provided to Human Rights Watch indicated that he died after severe and prolonged torture. Public protests against the boy's apparent murder resulted in the arrest of the Mansehra police station's head constable and the launching of a judicial inquiry into the case. In most cases, however, human rights violations go unreported, due in large part to the lack of independent complaints mechanisms.

Following their appearance before a magistrate, children may either be remanded to police custody or transferred to a detention facility. Most such children, including those who have not yet been convicted, are held in prisons-usually in separate juvenile wards, although in some smaller prisons they are held with adults. At present, Pakistan has only two institutions specifically designated for juveniles; these are located in Karachi, the capital of Sindh province, and Bahawalpur, a remote town in the southern part of Punjab province.

With the authorization and cooperation of the Punjab prisons department, Human Rights Watch in May 1998 visited the juvenile wards of two major urban prisons, Lahore District Jail and Rawalpindi Central Prison, as well as the Bahawalpur borstal, which holds all children in Punjab sentenced to terms of detention of two months or more. We interviewed a total of twenty children who were selected as broadly representative of the juvenile population with respect to age, offense, and status. All of their names have been changed in this report, with the exception of one child whose case had already prompted the public intervention of the president of Pakistan. The Sindh provincial government withheld permission to visit Pakistan's other juvenile institution, the Youthful Offenders Industrial School in Karachi. However, we gathered extensive information about conditions and inmate treatment in the industrial school and other institutions that we were unable to visit from judges, legal aid lawyers, and physicians who have visited them. In addition, prison directors in the facilities we visited freely described punishments and grievance procedures that deviated from domestic andinternational requirements, while government authorities and local nongovernmental organizations (NGOs) provided us extensive data about the juvenile population.

Overcrowding is pervasive throughout the prison system. The juvenile ward of Lahore District Jail, for example, houses three times as many children as it was designed for. The Bahawalpur borstal is a rare exception; it operates below capacity due to the low conviction rate of children and the relatively low population density in the area.

Accommodations in the facilities we visited were exceedingly spare. Children were housed in dormitory-style barracks and slept either on the floor or on raised cement blocks; those in Lahore District Jail were not provided mattresses. Although the juvenile ward in Lahore appeared to be effectively segregated from the rest of the prison, children could easily mix with eighteen to twenty-one-year-olds, who were also housed in the juvenile ward. The institutions Human Rights Watch visited all had clean, flushing squat toilets, but a boy who had been held in Sahiwal Central Prison-one of Punjab's larger detention facilities-told us that it had dry, brick squat toilets.

The infirmary in the Bahawalpur borstal had no cooling devices other than fans and only rudimentary medical equipment. In its own evaluation of the country's penal system, the Pakistan Law Commission, a government body charged with proposing reforms to the country's laws and legal institutions, noted that prison hospitals lacked proper laboratories, equipment, and medicines. After examining 200 children in Karachi's industrial school in 1997, an independent Pakistani medical team reported that 57 percent were suffering from scabies and 11 percent had respiratory ailments. Personal hygiene in detention facilities is compromised by a shortage of water, as is the case at Bahawalpur, or congestion, as in Karachi's industrial school.

The provision of education and vocational training in the prisons and juvenile institutions is severely limited. Religious instruction appeared to have been made a priority in all three of the facilities we visited. This stemmed not only from the personal conviction of superintendents, but also from a law that grants prisoners a two-year remission in their sentence if they can demonstrate that they have memorized the entire Quran. The Pakistan Prison Rules only require the provision of secular education to convicts, who form a small proportion of the juvenile population. Professional instructors have been retained in the Bahawalpur borstal and Karachi's industrial school, both of which hold children convicted of crimes as well as those whose trials are under way. Staffing in Bahawalpur appeared insufficient, and classes were held in open barracks without teaching aids. In Rawalpindi, educated adult prisoners are assigned to teach juveniles, while inLahore, no secular education is provided children at all. Vocational training, where it is available, is essentially punitive. Convicted children in Bahawalpur who have been sentenced to "rigorous" imprisonment are required to work in six hours shifts with antiquated equipment at tasks such as tailoring, carpet-weaving, and carpentry.

The disciplinary measure most frequently imposed on children is solitary confinement for up to two or three weeks; those in Lahore District Jail are deprived of any communication with their family during that time. Human Rights Watch also observed several convicts attending classes in the borstal with their legs in iron shackles. The medical team that visited Karachi's industrial school in 1997 found that 17.4 percent of the children had been punished through hard labor or ill-treatment, including food deprivation and being forced to stand in the hot sun or maintain uncomfortable positions. Such ill-treatment, as well as shackling or solitary confinement, violates the ban on cruel, inhuman, or degrading treatment or punishment in the Convention on the Rights of the Child. Its imposition is aggravated by the absence of impartial grievance mechanisms, including those that are required by law. The government of Punjab, for example, has yet to establish a visiting committee for the Bahawalpur borstal in accordance with the province's borstal rules.

Criminal activities on the part of lower-level prison staff are widespread. We heard credible accounts of staff involvement in extortion and narcotics trafficking, as well as sexual abuse of juvenile inmates. The Central Jail Staff Training Institute, a branch of the Interior Ministry, has made commendable efforts to impart knowledge of prisoners' rights under domestic and international law. However, prison authorities sometimes prevent staff from attending training classes, citing an inadequate staff-to-prisoner ratio as justification.

Eighty-seven percent of the juvenile convicts held in the Bahawalpur borstal during March 1998 were serving sentences of ten years or more, with the most common sentence being twenty-five years of imprisonment (on reaching age twenty-one, detainees are transfered to prisons). In addition, the sentences frequently include stiff fines, nonpayment of which can result in indefinite detention. This stems in part from the absence of social inquiry reports prepared by probation officers, as well as the failure of judges to take the child's economic circumstances into account. The requirement of *diyat* or blood-money payment for certain offenses imposes an extraordinary financial burden on children's families, and often ensures the continued incarceration of children beyond their provisional date of release. Both children and adults convicted of *zina*, sexual relations outside of marriage, face the hadd penalty of whipping in addition to their prison terms. Most of the juveniles at Bahawalpur who were convicted of zina were sentenced to receive thirty lashes of a whip-the maximum number that may be imposed on children under the law governing zina. Sentences to hadd punishments, however, must be confirmed by an appellate court. To date, no hadd punishments have actually been carried out.

Children, like adults, may in some cases be tried by special courts. Among the latter institutions are the *jirgas*, or tribal courts, that take the place of the judiciary in about one-third of the North-West Frontier Province. A legacy of British colonial administration in the area, the jirgas conducts trials without regard to due process guarantees, such as the right to retain counsel, present evidence, or cross-examine witnesses. Jirga decisions are countersigned by a federally appointed political agent and cannot be appealed to a higher court of law. In 1994, a jirga sentenced a thirteen-year-old boy, Ruman Ali, to forty-three years in prison for murder. In other parts of Pakistan, the government has periodically introduced emergency laws and special tribunals to curb ethnic and sectarian strife, often at the expense of civil rights and liberties. The Anti-Terrorism Act, introduced in 1997 and amended in April 1999, includes a provision overriding all other laws currently in force, giving anti-terrorism courts authority to try juveniles and sentence them to death, in violation of the Convention on the Rights of the Child and provincial juvenile justice laws.

Of Pakistan's four provinces, only Sindh and Punjab currently have juvenile justice laws: the Sindh Children Act and the Punjab Youthful Offenders Ordinance. In Sindh, more than twenty years after the province's juvenile law was brought into force, there is only one industrial school for juveniles, located in Karachi. Until recently, Sindh also had only one juvenile court, in Karachi. However, the provincial government in 1999 issued an order designating juvenile courts for all twenty-two districts in the province-an encouraging development, although the judges themselves are not being provided special training in juvenile justice administration.

Operating with few resources, the magistrate of Karachi's juvenile court attempts to conduct inquiries into each child's background and to ensure that parents attend trials, and in a proceeding observed by Human Rights Watch employed alternative sentencing measures. The juvenile court's departure from established patterns of adjudication in Pakistan is matched up to a point by Karachi's industrial school. The efforts of concerned NGOs, judges, and private donors have resulted in facilities that are superior to the Bahawalpur borstal and most prison juvenile wards in Pakistan, according to persons who have visited the industrial school. However, overcrowding and abusive practices by prison authorities there have reportedly replicated many of the conditions prevalent within the prison system as a whole.

The Punjab law was introduced in 1983, but is officially in force in just one of the province's eight divisions. The government of Punjab has recently taken welcome, albeit belated, steps toward instituting a province-wide juvenile justice system. These include designating juvenile courts in all districts of the province and laying plans for the establishment of four juvenile detention facilities-termed industrial schools under the Ordinance. However, these undertakings have been marred by administrative neglect. Although juvenile courts were designated in November 1998, they remained nonfunctional as of early March 1999, as neitherthe police nor the magistrates had directed cases to them. Moreover, the juvenile court judges, who also serve as appellate judges for the criminal courts and courts of first instance for certain offenses, have not received special training in the administration of juvenile justice. And as of mid-May 1999, no new funds had been allocated toward the establishment of industrial schools.

The Child Offenders Act, a bill to create a federal juvenile justice law, remains pending before Pakistan's Senate four years after its approval by a Senate standing committee. The bill would make some noteworthy contributions to the administration of juvenile justice in Pakistan, most importantly by requiring the designation of juvenile courts and abolishing capital punishment for children. In several key respects, however, it falls short of the protections accorded to children under the juvenile justice laws of Sindh and Punjab, as well as the Convention on the Rights of the Child and other international juvenile justice standards.

The recommendations that follow have been drafted with a view toward the establishment of a comprehensive, nationwide system of juvenile justice in Pakistan. They include not only specific suggestions for the amendment of the Senate bill, but also proposals for institutional reform. Even a well-drafted law is unlikely to achieve its objectives in the absence of a trained and accountable police force, adequately staffed probation departments, judges that are familiar with the applicable domestic law and international standards, and facilities that are designed for the guidance and care of juvenile offenders. Most importantly, there should be a range of alternatives to the pre-trial detention of children and their institutional placement by the courts. Such arrangements will help avert the prolonged and damaging confinement of children following their arrest, and promote the early rehabilitation and reintegration into their communities of those found to have infringed the penal law.

Regarding the Prisons:

* Implement the recommendations of the Pakistan Law Commission in its Report on Jail Reform, 1997. These include providing all prisons with facilities for education and vocational training as well as qualified medical officers and nursing staff, and requiring regular prison visits by high court and subordinate court judges.
* Make instruction in reading, writing, arithmetic and other subjects compulsory up to the matriculation standard (tenth grade), both for convicted children and those who are under trial. Allow prison superintendents to provide for education beyond the matriculation standard and to increase the number of subjects taught for all promising children, irrespective of gender. Amend Rule 298 of the Pakistan Prison Rules accordingly.
* Require the provision of sufficient and accredited teaching staff for each facility where children are held, as well as all necessary teaching aids and writing materials. Incorporate these requirements in Chapter 12 of the Pakistan Prison Rules.
* Eliminate the punishments of whipping, imposition of fetters, placement in cellular confinement, and assignment to hard labor. Amend Rules 583 and 584 of the Pakistan Prison Rules accordingly.
* Prohibit the appointment of convicts as prison officers. Repeal Rules 456, 458, and 459 of the Pakistan Prison Rules, which authorize and govern these appointments.
* Eliminate the mandatory censorship of all letters sent to or received by juvenile prisoners, and amend Rule 546 of the Pakistan Prison Rules accordingly. The Prison Rules should at least be consistent with Rule 16(1) of the Punjab Borstal Rules, which grants superintendents discretion to censor an inmate's correspondence but does not require censorship or extend such authority to lower-ranking staff.
* Ensure that the right of the child to communicate with family and friends is upheld at all times
* Ensure the strict separation of adults from children in all detention facilities. Young adults aged eighteen to twenty-one should not be housed with children under the age of eighteen.
* Collect data in each facility with regard to the number of female prisoners under the age of eighteen. Arrange separate accommodations for them.
* Upgrade medical facilities in all detention centers to ensure adequate supplies of essential medicines and diagnostic equipment, the presence of a licensed medical practitioner on the premises at all times, and the provision of preventive medical care and psychological counseling.
* Ensure that all requests for medical care are honored.
* Establish for each facility an independent complaints mechanism, with the authority to initiate and conduct investigations. The mechanism should be directly accessible to children and should include NGO representatives
* Promptly investigate reports of sexual abuse by prison staff or other prisoners and suspend any accused staff from duty pending completion of the inquiry. Prompt medical examinations should be conducted in the event of such a complaint.
* Staff found to have used excessive physical force against children should be subject to strict disciplinary action, including criminal prosecution where warranted. Findings of sexual abuse should result in criminal prosecution.

What is the basic principle for the treatment of offenders inside the prison?

* All prisoners shall be treated with the respect due to their inherent dignity and value as human beings.
* There shall be no discrimination on the grounds of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
* It is, however, desirable to respect the religious beliefs and cultural precepts of the group to which prisoners belong, whenever local conditions so require.
* The responsibility of prisons for the custody of prisoners and for the protection of society against crime shall be discharged in keeping with a State's other social objectives and its fundamental responsibilities for promoting the well-being and development of all members of society.
* Except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights, and, where the State concerned is a party, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as well as such other rights as are set out in other United Nations covenants.
* All prisoners shall have the right to take part in cultural activities and education aimed at the full development of the human personality.
* Efforts addressed to the abolition of solitary confinement as a punishment, or to the restriction of its use, should be undertaken and encouraged.
* Conditions shall be created enabling prisoners to undertake meaningful remunerated employment which will facilitate their reintegration into the country's labor market and permit them to contribute to their own financial support and to that of their families.
* Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation.
* With the participation and help of the community and social institutions, and with due regard to the interests of victims, favorable conditions shall be created for the reintegration of the ex-prisoner into society under the best possible conditions.
* The above Principles shall be applied impartially.

What is juvenile justice system?

**Juvenile justice**, system of laws, policies, and procedures intended to regulate the processing and treatment of no adult offenders for violations of law and to provide legal remedies that protect their interests in situations of conflict or neglect. Punishable offenses that are classified as criminal offenses for adults (e.g., murder, robbery, and larceny) are referred to as [delinquency](https://www.britannica.com/topic/delinquency) when committed by juveniles, whereas juvenile offenses [mandating](https://www.merriam-webster.com/dictionary/mandating) legal intervention only (e.g., alcohol and tobacco use, truancy, and running away from home) are referred to as status offenses. Children are also subject to specialized laws, procedures, and policies designed to protect their interests when parents or other legal guardians are unavailable, negligent, or involved in custodial disputes.

A controversial method of juvenile punishment has been the use of [corporal punishment](https://www.britannica.com/topic/corporal-punishment). Although such physical punishment is prohibited in many Western countries, it is still used in some parts of the United States and in much of the non-Western world. Historically, an increase in juvenile crime (such as the late 20th-century rise in juvenile gun offenses in the United States) has been followed by calls for the reinstatement of corporal punishment in those regions where it had been prohibited. Opponents of corporal punishment, however, argue that it is inhumane and that juvenile corporal punishment risks reinforcing the delinquent behavior of those who receive it.

Role of Police:

Firstly, the attitude of the police towards the juveniles in conflict with law is a very big problem. In a five days training, organized by Pakistan Society of Criminology (PSC), for educating and sensitizing the police station clerks, called Mohair’s and Naib Mohair’s, of the NWFP Police, it was observed that they have utter lack of awareness about national and international juvenile laws and the child rights. When asked “who has heard the name of JJSO or CRC?” only a few participants of the trainings-mostly from Peshawar district-raised their hands in affirmation (Events: NWFP Police Training on Data Collection on Crimes against Children and Juvenile Offenders, 2009). It gives an idea about the awfully low level of awareness regarding juvenile laws in the police station officials of the NWFP. The situation will not be different in other provinces as well. Therefore, awareness and sensitization in the police officials shall be given priority. The JJSO 2000 and other child related national and international laws should immediately be included in the syllabus of the Police Service of Pakistan (PSP) officers, upper courses and intermediate courses of the upper and lower subordinate officers at the police training institutions. Special trainings on national and international laws, such as United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Rules), UN CRC, JJSO 2000 and the Rules formulated under the JJSO, should be a part of the capacity building and in-service/on-job police training.

Secondly, under Section 10 (3) of the JJSO 2000, a child in conflict with law cannot be kept at police stations nor he/she can be detained in jails. To the contrary in Pakistan due to lack of facilities, the children in conflict with law are kept at police stations before the disposal of their cases. In this regard it is recommended that the Police Station Officers must ensure to contact the Probation Officer(s) immediately on arrest of the juvenile, and give the juvenile under his custody, who can detain the child in conflict with law into any facility etc. [Section 10.1. (b) Of the JJSO 2000]. Astonishingly there is no pre-trial detention or remand home facility in Pakistan except Karachi (established under Sindh Children Act 1955), so where on earth the probation officer would keep the child in conflict with law if at all he is given the custody of such a child a legal gap in the implementation of the law?

Thirdly, to collect and analyze the cases of juvenile offenders and victims and find out the causative factors and devise ways and means to curtail the inhumane behavior towards children, the establishment of a data-base at the Central Police Office (CPO) of all the provinces and at the regional level should be the top priority. The profile of children in conflict with law-by gender, age, offence category etc. - be recorded separate from the adults' record.

Fourthly, juvenile delinquency, the world over, is considered to be the problem of urban centers. Therefore in big cities of the country, where the rate of juvenile delinquency is high, special police units for dealing with children in conflict with law can be created on priority basis [The Beijing Rule 12.1]. These police officers shall be trained properly and skillfully on the process of interacting and interviewing with a child while keeping in mind the needs, wishes and feelings of a child. A child shall be treated by a police officer in light of the internationally agreed guidelines.

Fifthly, there are reports on child sexual and physical abuse by the police authorities. This is something very discouraging on part of the protectors of people. For that reason, an independent and impartial investigation mechanism regarding reports of misconduct, brutality, and the denial of children's rights by the police should be established. There should be specialized units in the police who deal, particularly, with child sexual abuse and child trafficking.

Sixthly, but the most important is that the police officers should pay more emphasis on diversion of the juveniles in conflict with law from the formal justice system. In this regard the police officers can use warnings, fines, restitution, compensation, restorative justice practices, and other diversionary options.

Finally, for all these steps the police should be given special budget immediately, and the police themselves should allocate sufficient amount from its own budget for these direly needed initiatives in the best interests of the child.

Role of Judiciary / Courts:

Judiciary is the third pillar of the state which is responsible for its legal system and which consists of all the judges in the country's courts of law (Judiciary, 2009). Courts are one of the basic components in all justice systems. In fact when we think of the juvenile justice system, the first concept which strikes our mind is the exclusive juvenile court dealing only with the juveniles. The children in conflict with law, who are not diverted from the formal legal system at an early stage, are dealt with by the juvenile courts or by the criminal courts in case of non-existence of juvenile court. Juvenile Court is the heart of the juvenile justice process. It is an agency where the decisions made by all the other child related agencies are supported or altered. A juvenile court is the court responsible for holding hearings and making decisions regarding disposition of juveniles who have entered the juvenile justice process (Elrod & Ryder, 2005).

The courts in Pakistan are suffering from various problems. Section 4 of the JJSO 2000 provides for the establishment of separate juvenile courts by the Provincial Governments. This ordinance provides a good detail of the juvenile court proceedings but the establishment of exclusive juvenile courts has yet to be realized. Therefore, it is recommended that at least one exclusive juvenile court should be established immediately in each province.

If the judges have to dispose of the cases of the children in conflict with law, they must be trained in dealing with children. Therefore specialized courses on juvenile justice should be included for judges in curriculum in the judicial training institutes. Training should be imparted to all lower-courts judges in national and international laws regarding children in conflict with law.

Most often the juveniles in prisons are detained for longer due to non- completion of investigation in such cases. Therefore, the court must ensure that the police have submitted the Final Report (Chalan) within fourteen days as required by the law under Section 173 of Cr.P.C, for an early trial.

Age assessment of the juvenile in conflict with law is a very big problem in Pakistan. Generally there is a very low tendency in masses about birth registration of their children, and education too. Therefore age determination of the children, who have no official documents regarding age, becomes a big problem. In such cases the police officers often use their personal judgment by examining the physical appearance of the offender. Although it is the duty of the prosecutors to make it certain that the exact age of the child in conflict with law has been written on the age card (chalan), but whenever the prosecutors fail to do so the court must ensure the proper age assessment in order for child in conflict with law to qualify to the benefits of the JJSO 2000.

If a child found guilty of the alleged offence(s), the court should look for the alternatives to institutional care and deprivation of liberty, to assure that deprivation of liberty be used only “as a measure of last resort and for the shortest possible period of time” [Article 37 (b) of the CRC, & The Beijing Rule 13.1]. Preference should be given by the judges to measures like fines, restitution and compensation, probation, and community services, and group counseling activities etc [The Beijing Rule 18.1].