

February 2021 Edition



Legal Awareness Watch Pakistan

Juvenile Justice NEWSLETTER

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JUVENILE JUSTICE NEWSLETTER

An initiative by Legal Awareness Watch
Pakistan

Dear Recipient (s),

After the reception of positive feedback and comment (s) from you all on the very first edition of “**Juvenile Justice**” newsletter in January, 2021. We’re now sharing with you all the second edition of “**Juvenile Justice**” newsletter with more audacity, and confidence. In this edition you will find information on event (s) planned by our Organisation in collaboration with partner Organisation in the month of February, 2021 on the subject of juvenile justice, and *update* on individual case (s) in our hands involving children in conflict with penal law in Punjab, and Sindh. Moreover, this edition will provide *news* that we collected & received during our field operation (s) and preview of news printed in local newspaper (s) relating to children at risk. This edition also reflected on the judgement of the European Court of Justice with reference to the European Human Rights Convention and Section 11A (1) of Swiss Criminal Law Act.

We wish to have your feedback as well as comment (s) or constructive criticism on its content (s) so as to make this initiative better in future *via* email or simply giving us a telephone call. Contact details could be found on the title page of this newsletter.

(Sarmad Ali)

Director Legal Awareness Watch Pakistan. Dated: 1st February, 2021

○ **EVENTS:**

⇒ Marvi Rural Development Organisation (MRDO) in collaboration with LAW will organise a session on the implementation of JJSA 2018 in

Hyderabad District of Sindh on 25th February, 2021 for raising awareness of stakeholder (s) operating in Hyderabad district in the field of juvenile justice.

⇒ Team comprising of Volunteer (s) associated with our Organisation conducted made visits to Lahore Camp Jail on 22nd and 23rd January, 2021 for having meeting (s) with juvenile (s) who have been receiving legal assistance from the legal team of Legal Awareness Watch Pakistan. The team of volunteer (s) noted filthy environment in Children Barracks commonly known as *Munda Khanna* in prisons dynamics. The visitor (s) permitted having meeting with prisoner (s) without face mask (s) even in the wake of rapid spread of dreadful Covid-19 in prisons across Punjab.

○ **NEWS FROM RECENT PAST:**

⇒ *Director Punjab Probation & Parole Service* is retiring from his job in the first week of February, 2021 after serving as *Director* of (PPPS) for almost year and a half. It is believed that the government to designate an up-right & active person to serve as *Director of Punjab Probation & Parole Service* as soon as possible so as to make sure that the children at risk would be protected and not left vulnerable.

⇒ A research survey Volume II on “*Tracing of Juvenile (s) those facing the death penalty (DP), and Life Imprisonment (LI)*” is going to begin from March, 2021 across Punjab, and Sindh targeting ten prisons five from each province. Its Volume I had already printed in June 2020 and available online on www.legalawarenesswatch.com targeted ten prisons five from each province. Those interested in receiving a PDF copy could solicit LAW for it.

⇒ LAW submitted a request note under the Punjab Transparency and Right to Information (RTI) Act 2016 read along with Article 19 (A) of the Constitution of Pakistan, 1973 to the *Punjab Inspectorate General of Prisons (I.G)*

dated 21st January, 2021 to public detail (s) of 652 prisoners who had been behind 41 prisons of Punjab despite completing their sentence (s) owing to the fact that they had no means to pay the fine they were sentenced to. The RTI note had been dispatched to the office of I.G Prison (s) pursuant to news printed on 7th January, 2021 in local Urdu **“DUNYA NEWSPAPER”**. (https://e.dunya.com.pk/detail.php?date=2021-01-07&edition=LHR&id=5468094_83957657)

⇒ Abdul Khan (pseudonym) 15-year-old sent to judicial lockup/judicial remand on 19th January, 2021 by the court of judicial magistrate of Model Town, Lahore. Abdul Khan had been dispatched to ordinary prison (*Lahore Camp Jail*) in custody of booted policemen (uniformed) in sheer violation of provisions of JJSA 2018 and General Comment No. 10 on the United Nations Convention on the Rights of Children (hereinafter CRC) to which Pakistan became party in 1990. *Volunteer (s) of Legal Awareness Watch Pakistan paid a visit on 26th January, 2021 for interviewing him- whereby it transpired that he was tortured in the police station during the police remand/custody. The team of volunteer (s) spotted a black stain underneath his left eye.*

⇒ In Punjab, there are two Borstal institution (s) in *Faisalabad*, and in *Bahawalpur* districts notified under *The Punjab Borstal Act 1926*. These administered under *Pakistan Jail Manual (PJM) 1978* by the provincial government through its Home Department.¹ To our knowledge, Borstal in *Faisalabad* district has not been functional since 2019 due to falling of boundary wall (s) of said premises. Subsequently some 44 prisoners were then shifted to (ordinary) *Faisalabad Central Jail*.

⇒ Remand Home in *Karachi*, in the province of *Sindh* is functional,

however, the one in *Nawab Shah* district since its notification in the year (2010) yet to be made operative. It had disclosed to us by our supporters in *Sindh* that the Superintendent of the said Remand Home wrote numerous notes and attention notices to the provincial government for allocation of funds for making it operational but all his efforts and requests to-date fell on deaf ears. Mentioned Remand Home (s) had been notified under *Sindh Children Act 1955* rest of others so called (by name) Borstals/Juvenile Jails i.e. Youthful Offenders Industrial School (YOIS) have been administered by the provincial government through its *Home Department* under *PJM 1978* like ordinary prisons. Thus, it is proposed that government (s) at the provincial and federal levels to notify rehabilitation centers and observation homes under the command & supervision of probation departments as per law following international norms for the safe custody as well as rehabilitation of juveniles in conflict with law and imprisoned.

⇒ Murder Appeal of Murtaza Abro (pseudonym) who was sentenced to life imprisonment by the learned trial court of *Jacobabad, Sindh* in 2019 is fixed for preliminary arguments on 25th February, 2021 at the *Larkana Bench* of *Sindh High Court*. He has been receiving legal assistance from *Legal Awareness Watch Pakistan & MRDO* since 2020.

⇒ From our reliable sources, it had transpired that the provincial government of *Punjab* is aiming to constitute a committee having NGOs, Lawyers, Government Officials, etc. as its members with an aim of drafting Rules of Business of JJSA 2018 to the extent of *Punjab*. It is a need of time that rules of business of JJSA 2018 be notified across *Punjab* for effective implementation of JJSA 2018 at all levels.

¹ These detain youthful offender (s) until the age of 25-year.

⇒ The lawyer of Saqlain (pseudonym) the *juvenile offender* housed in Central jail Peshawar allegedly accuse of murdering a U.S citizen named *Tahir Ahmed* on the premises of District and Sessions Court of Peshawar (KPK), a couple of months ago (who was then facing a trial on charges of blasphemy under section 295 © of Pakistan Penal Code 1860) moved a petition in the trial court praying that section 7 of Anti-Terrorism Act 1997 could not be applied in cases- where accused was less 18-year of age by virtue of section 23 of JJSA 2018. ² *Note: The Peshawar High Court Chief Justice (now deceased) had already ordered that his trial to be concluded in lines with JJSA 2018.*

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

○ **EUROPEAN COURT JUDGEMENT:**

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

stealing, and delinquency, organized by criminal adults.

END

Note: This publication has not been formally edited.

²Daily Insaf Urdu Newspaper dated 29-01-2021.