

AUGUST EDITION 2021



**Legal Awareness
Watch Pakistan**

**Juvenile Justice
NEWSLETTER**

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An initiative by Legal Awareness Watch Pakistan (LAW)

Dear Recipient (s),

At glance, **LAW Pakistan** would like to pay its gratitude to Hafizabad Bar Association, District Press Club Hafizabad, Punjab Inspectorate General of Police for their active participation in the session that was

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held last month on juvenile justice in collaboration with Juvenile Justice Committee of Lahore Bar Association. We would also like to thank District Probation Officer Hafizabad who guided and assisted us in that session. *(Group photo of the participants placed below)*

This edition will precisely contain latest news that we traced out in late June, and during the month of July related with minors in conflict with law. Furthermore, this edition will provide brief information on establishment of an authority by the incumbent government in partnership with the Ministry of Human Rights to provide legal and financial assistance to poorest of poor people in criminal cases.

Previous editions of this newsletter available at www.legalawarenesswatch.com

Thank you!

(Sarmad Ali)

Executive Director L.A.W

Advocate High Court

Dated: 25th July, 2021.

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RECENT PAST NEWS:

- **Ali Sher (8)**, and **Zaid (10)**, both residents of *Baddu* village had been arrested for allegedly murdering their friend and sent them to prison on 14th July, 2021. **LAW Pakistan** urged police/investigation officer (I.O) to investigate the matter in accordance with **Juvenile Justice System Act 2018 (JJSA)** and their guardians as well as concerned probation officer under **section 5** of JJSA to be informed about their arrest.

The I.O of the case is also urged to seek social investigation report under **section 7** of JJSA 2018 and in conformity with United Nations Minimum Standards Rules for the Administration of Juvenile Justice (*The Beijing Rules*) from the concerned probation officer.¹



Left to Right: Ali Sher, Station Head of Police Station and Zaid.

¹https://epaper.dawn.com/DetailNews.php?StoryText=29_06_2021_177_002

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- This child (14) in photo below had been arrested on suspicion of murdering his real sister (7). Despite JJSA 2018 in place police & media houses released this photo in sheer violation of section 13 of the said law that required identity of minors in conflict with law to be kept secret and protected. **LAW Pakistan** appealing to the government and its officials to ensure strict compliance of section **13 of JJSA 2018** that in its spirit required identity of minors in conflict with law or said to have infringed any penal law not to be disclosed at any level not even during investigation. We urge the Electronic Media Regulatory Authority (PEMRA) and Federal Investigation Agency/Cyber Crime Wing to take necessary steps against violators that publish and disclose identity of children in conflict with law on social media, and channels.²



This photo is copied as it is from social media.

²<https://www.urdupoint.com/daily/livenews/2021-07-17/news-2858426.html>

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- In pursuant of the decision taken by the National Juvenile (policy meeting) Committee and in exercise of power under **section 19 of JJSA 2018**, the Home Department of Sindh has established “**Juvenile Justice Committee**” for Sukkur Sessions Division. We thank our partner organisation (**MRDO**) for its efforts of making this happen in Sukkur Sessions Division with the support of government officials. This is reminding you that such like committees have already been established in all Sessions Division of Punjab under section 10 of JJSA 2018. Under JJSA such likes to consider cases involving minors in conflict with law in offences carrying simple imprisonment up to ten years.
- It is brought to our knowledge that on **3-7-2021** the Judicial Magistrate of *Deepalpur* (municipality of *Okara* district of Punjab province) had directed the probation officer of district *Okara* to admit the juvenile offender to rehabilitation center or to reformatory center (if any notified by the government) for pre-trial detention as he was no longer required for investigation by the police. It is to remind you that no rehabilitation center or reformatory center under JJSA 2018 until the time of edition have been notified by the government under JJSA 2018 separate from ordinary prisons. It is likely that juvenile offender had admitted to ordinary prison i.e. (Okara District Prison) for pre-trial detention since there was not a single active rehabilitation center across Punjab. Thus, **LAW Pakistan** urge the government to notify rehabilitation center (s) across Pakistan as warranted under JJSA 2018, and under *The Beijing Rules* that required juveniles must be not incarcerated instead placed under close supervision or intensive care for their rehabilitation.

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- **Call for donations:** we're trying to raise donations for the education of a boy-- who had been arrested and charged with blasphemy in 2016 when he was 16-year-old. Now he has released from prison on bail and still standing trial. That boy since his release from the prison has been trying to re-integrate in the society by reviving his education. The boy hails from the lower strata of the society. *Further information will be provided on request.*
- **Legal Aid and Justice Authority** set up in Pakistan to provide legal and financial assistance to poorest of poor in criminal cases. The authority is established under the Ministry of Human Rights in collaboration with Law and Justice Commission of Pakistan.³ **LAW Pakistan** applauded this step; however financial and legal assistance should reach to most deserving people including minors facing criminal charges i.e. blasphemy.
- **Pakistan** has an obligation to criminalises torture but it is shocking that there is currently no existing law in Pakistan which criminalises or explicitly defines torture. **LAW Pakistan** is pleased to learn that the Senate of Pakistan passed a bill which will treat custodial deaths as heinous as other penal offences embodied in Penal Code of Pakistan. However, in our view Law of Evidence (**Qanoon-e-Shahadat 1984**) also to be considered for amendments because in custodial deaths and/or human rights violations cases burden of proof must be reversed. A new provision should be introduced in the **Evidence Act/ Qanoon-e-Shahadat 1984** reversing the burden of proof regarding human rights offences. Additionally, a senior judge, if not a high court judge, should conduct the inquiry into the death in custody. It is too big a matter for the poor magistracy. The burden of proof should lie on the police. It should reveal the causes of death immediately. **LAW Pakistan** is aware of instances, where minors in conflict with law either murdered in custody of police by the police themselves or lynched by violent mobs' cases unfolding public outcry i.e. blasphemy. For instance, *Muhammad Rizwan* was killed in custody of police in

³<https://tribune.com.pk/epaper/news/Lahore/2021-07-12/YjhmYjljNzQzMzgzMTA4ZDE2ZDVKODZIMDU2YjU0YWUuanBIZw%3D%3D>

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November, 2017 in Lahore against which 05 police officials found guilty of murder in the judicial inquiry. However, they later acquitted of a murder charge by the trial court on lacked of evidence.⁴

- **LAW Pakistan** is delighted to collaborate with “*Interfaith Prison Partnership*” on ‘**Adopt-A-Prison**’ slogan.

UPCOMING EVENT:

- **LAW Pakistan** in collaboration with Juvenile Justice Committee of Lahore Bar Association have planned “**Media Sensitization Session on Juvenile Justice in Faisalabad**” on 31st July, 2021 at Press Club.

RECENT PAST EVENT:



Group photo of participants in the session on JJSA 2018 held on 26th June, 2021 at Hafizabad district Punjab.

⁴ <https://www.dawn.com/news/1634687>

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END

Help us if you can!

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