

Prologue:

Legal Awareness Watch Pakistan (LAW) in collaboration with **Marvi Rural Development Organisation (MRDO)** and having their friendly organisation from abroad in coordination first drafted and then dispatched their “**Charter of Demands**”¹ to Federal institutions as well as Provincial institutions/decisions makers to seek effective implementation of **Juvenile Justice System Act 2018** across Pakistan particularly Punjab and Sindh² in its letters and spirit based upon experiences and lessons they had gained after executing **26** awareness-raising sessions & training workshops in association with stakeholders and their departments i.e., Probation and Parole Service, Police, Prosecution, Bar Associations, etc.

LAW & MRDO during those sessions and training workshops got engaged and interacted with **989** individuals i.e., legal practitioners, prosecutors, probation officers/ magistrates/judges, policemen, journalists (from print and electronic medias), etc., from Pakistan. In addition, special federal institutions i.e., National Commission on the Rights of Child and National Commission on Human Rights had been considered for sharing of said charter. Moreover, it was also shared with the President of Pakistan, Prime Minister, Governors, and Child Commissioners including the international organisations i.e., UNICEF, Save the Children U.K., Save the Children Sweden, Norwegian Ministry of Foreign Affairs, etc. **List of receivers/recipients is appended herewith as Appendix I.**

The uttermost objective of dispatching “**Charter of Demands**” to the federal and provincial institutions/decision makers as well as to special institutions i.e., National Commission for the Rights of Child (NCRC) to draw their attention to anomalies in the system that was introduced in May 2018 after the promulgation of JJSA 2018 to rehabilitate children in conflict with the law and their social re-integration after discharged from prison.

Respectfully Yours,



(Sarmad Ali)

Advocate High Court

Director LAW Pakistan

Chairman Juvenile Justice Committee.³



(Mike Hoffman)

¹ Text of the Charter annexed herewith.

² The Charter had also been shared with stakeholders in KPK and Balochistan in slip slot manner.

³ Chairman of Juvenile Justice Committee (2021-2021) and (2022-2023) of Lahore Bar Association.

CHARTER OF DEMANDS

To Government Effectively Implement Juvenile Justice System Act 2018 Across Punjab and Sindh.

Legal Awareness Watch Pakistan (LAW) and Marvi Rural Development Organisation (MRDO) having Juvenile Justice Committee of Lahore Bar Association⁴ in their fold graciously submitted below **eight** demands considering their experiences they had gained after executing **26** awareness-raising sessions, and training workshops with the stakeholders across Punjab and Sindh got engaged with **989** individuals/stakeholders i.e., lawyers, prosecutors, policemen, probation officers, journalists, etc.) through those sessions, workshops and newsletter that has been getting issued since January 2021 on juvenile justice.⁵ ***Through the forums/awareness-raising sessions and trainings organized by us most participants raised following issues/demands as emergency to be addressed.***

Provided we're expecting your reply at your earliest to be informed of decisions possibly to be taken in near time to improve implementation of Juvenile Justice System Act 2018 (**hereinafter JJSA 2018**) in its letters and spirit to rehabilitate as well as aid children in trouble with the law (either convicted or under-trial) across Pakistan particularly in Punjab and Sindh. We believe that the stakeholders consider children in trouble with the law themselves as victims nor criminals or perpetrators at all. In solidarity with all children behind bars, we the senders submit that ***"Prison is a University of Crime"***.

Excellency,

- 1.** Pursuant of **Notification No.SO (R&P) 1-18/21** what steps have been taken to make Juvenile Justice System Committee (s) operational across Punjab and Sindh under section 10 of JJSA 2018 for resolution of cases of children found involved in offence (s) of major and/or minor nature through *Diversion i.e., alternative to punitive measures*?
- 2.** What measures have been taken by the provincial government to introduce funds for providing free legal aid (at the State Expense) to children in trouble with the law having abandoned by their families?

⁴ (2021-2022) and (2022-2023).

⁵ The Juvenile Justice Newsletter whose editions are available at: www.legalawarenesswatch.com

3. It is before us that children who come in conflict with the law are produced in court on physical remand under **section 167 of Code of Criminal Procedure 1898 (henceforth CRPC)** without informing the concerned probation officer⁶ or their guardian/relative by the police officer knowingly or unknowingly. Whether any procedure is going to be adopted to provide necessary trainings to policemen to overcome this shortage of communication with the concerned probation officer (s) in cases where a child has been apprehended in infringement of penal law?
4. Under **JJSA 2018** child in conflict with the law should be informed about their rights by the police within 24-hours of his arrest. However, in procedure the said provision of law has not been getting effectively implemented across Punjab and Sindh. So, what program has been implemented to assist and facilitate children in trouble with the law for making them informed of their rights particularly during physical remand/custody?
5. **JJSA 2018** provides the government may establish observation homes⁷ and juvenile rehabilitations⁸ centers under JJSA 2018 for juveniles including separate centers for female juveniles. Despite these clear-cut provisions not a single observation home for housing children those said to have infringed penal law has been established nor any certified rehabilitation center come into existence across Pakistan for reformation of juvenile offenders. Therefore, inform us what measures and steps are taken by the government to establish observation homes and rehabilitation centers for rehabilitation of juveniles?
6. What effective strategies' the government has for probation officers to equip them with latest approaches for rehabilitation of children in conflict with the law either (discharged or sentenced to incarceration)?
7. That when will the government opting to make rules for a carrying out the purpose of this Act⁹ (written in the preamble i.e., social reintegration)?

⁶ The Probation of Offenders Ordinance 1960 (XLV of 1960). Section 5 of JJSA 2018 provides the guardian as well as the concerned probation officer to be informed about the arrest of the child.

⁷ Observation Home" means a place where a juvenile is kept temporarily after being apprehended by police as well as after obtaining remand from juvenile Court or otherwise for conducting inquiry or investigation for the purposes of this Act.

⁸ "Juvenile Rehabilitation Center" means a place where a juvenile may be kept and given education, vocational or technical training for his mental, moral, and psychological development and includes certified institution, juvenile training institutions, borstal institution, vocational centers, da ul-amaan and women crises centers established by the Government or by voluntary organization certified by the Government.

⁹ Section 24: The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

8. Apart from above all, we've also submitted following brief demands that ought to be followed immediately:

- i. No child in custody of police should be handcuffed while moving from one place to another: **see section 6 of JJSA 2018.**
- ii. From the very first day of arrest of a child he/her should not be kept in police station during the physical remand under section 167 CRPC 1898: **see sections 2 (k) of JJSA 2018.**
- iii. The preamble of JJSA 2018 reads that it is to provide a criminal justice system for juveniles¹⁰, it implies that juveniles in trouble with the law while in custody of the police in the police stations or in prison (barracks) should not be mixed with adult prisoners or convicts ensuring they should not become desperate nor violent.
- iv. Most importantly, a person who appears to be a child when apprehended his/her an inquiry by the investigation officer/officer in charge of the police station to be conducted --owing to inadequate age determination¹¹ procedures many children have been behind bars those facing severe punishment. Without adopting age determination procedure scientifically system of JJSA 2018 could not be set into motion meaning under eighteen individuals would face criminal charges under substantive criminal law of Pakistan leaving them vulnerable.

¹⁰ An Act to provide for criminal justice system for juveniles: **WHEREAS** it is expedient to provide for criminal justice system and social reintegration of juveniles.

¹¹ Section 8 (1): Where a person alleged to have committed an offence physically appears or claims to be a juvenile for the purpose of this Act, the officer in charge of the police station or the investigation officer shall make an inquiry to determination the age of such person based on his birth certificate, educational certificates, or any other pertinent documents. In absence such documents, age of such person may be determined on basis of a medical examination report of a medical officer. Section 8 (2): Where an accused person who physically appears to be a juvenile for the purpose of this Act is brought before a Court under section 167 of the Code, the Court before granting further detention shall record its findings regarding age on the basis of available record including the report submitted by the police or medical examination report by a medical officer.

Appendix I:

List of Receivers of “Charter of Demands” to effectively implement Juvenile Justice System Act 2018 across Punjab and Sindh.

- i. The President of Pakistan.**
- ii. The Prime Minister of Pakistan.**
- iii. The Governor Punjab.**
- iv. The Chief Justice of Lahore High Court through its Registrar.**
- v. Child Commissioner Punjab through the Office of Ombudsman Punjab.**

➤ Office of Probation and Parole Service Punjab:

- i. Director General PPSP.**
- ii. Director Probation PPSP.**

➤ Probation Officers in Punjab:

- i. District Probation Officer Hafizabad.**
- ii. District Probation Officer Bahawalnagar.**
- iii. District Probation Officer Kasur.**
- iv. District Probation Officer Lahore Sessions Court.**
- v. Probation Officer on special duty/Ayesha AllahDitta.**
- vi. District Probation Officer Sialkot.**
- vii. District Probation Officer Faisalabad.**
- viii. District Probation Officer Khanewal.**
- ix. District Probation Officer Narowal.**
- x. District Probation Officer Sahiwal.**
- xi. District Probation Officer Rawalpindi.**
- xii. District Probation Officer Cantt Courts Lahore**
- xiii. District Probation Officer Model Town Lahore.**
- xiv. District Probation Officer Okara.**
- xv. District Probation Officer Sargodha.**
- xvi. District Probation Officer Multan.**
- xvii. District Probation Officer Gujrat.**
- xviii. District Probation Officer Khushab.**
- xix. District Probation Officer Jhelum.**

- xx.** District Probation Officer Nankana.
- xxi.** District Probation Officer Pakpattan.
- xxii.** District Probation Officer Lodhran.
- xxiii.** District Probation Officer Vehari.
- xxiv.** District Probation Officer Bahawalpur.
- xxv.** District Probation Officer Rahimyar Khan.

➤ **In KPK province:**

- i.** Probation Officer Peshawar.
- ii.** Probation Officer Manshera.
- iii.** Probation Officer Abbotabad.
- iv.** Probation Officer Charsadda.
- v.** Child Protection Unit Chitral.
- vi.** Child Protection Unit Charsadda.
- vii.** Child Protection Unit Swabi.
- viii.** Child Protection Unit Kohat.

➤ **In Sindh province:**

- i.** Director Reclamation Larkana Division through Abdul Haleem.

➤ **Prosecutors/Prosecutor General Punjab:**

- i.** Prosecutor General Punjab.
- ii.** Deputy Public Prosecutor Punjab.
- iii.** Incharge Prosecution Cantt Courts, Lahore.
- iv.** Incharge Prosecution District Courts, Lahore.
- v.** Incharge Prosecution Model Town Courts, Lahore.
- vi.** District Public Prosecutor, Sheikhupura.
- vii.** District Public Prosecutor Sessions Courts, Kasur.
- viii.** District Public Prosecutor Sessions Courts, Hafizabad.
- ix.** District Public Prosecutor Sessions Courts, Gujranwala.
- x.** District Public Prosecutor Sessions Courts, Faisalabad.
- xi.** District Public Prosecutor Sessions Courts Sessions Courts, Bahawalnagar.
- xii.** District Public Prosecutor Sessions Courts, Vehari.
- xiii.** District Public Prosecutor Sessions Courts, Mianwali.
- xiv.** District Public Prosecutor Sessions Courts, Gujrat.

- xv.** District Public Prosecutor Sessions Courts Sessions Courts, Khushab.
- xvi.** District Public Prosecutor Sessions Courts, Sargodha.
- xvii.** District Public Prosecutor Sessions Courts, Sadiqabad.
- xviii.** District Public Prosecutor Sessions Courts, Jhelum.

➤ **District & Sessions Judges:**

- i.** District and Sessions Judge, Lahore.
- ii.** Judge Child Court, Lahore.
- iii.** District and Sessions Judge, Bhakkar.
- iv.** District and Sessions Judge, Bahawalnagar.
- v.** District and Sessions Judge, Burewala.
- vi.** District and Sessions Judge, Attock
- vii.** District and Sessions Judge, Bahawalpur.
- viii.** District and Sessions Judge, Khushab.
- ix.** District and Sessions Judge, Sadiqabad.

➤ **Governmental Institutions:**

- i.** Chairperson National Commission on the Rights of Child in Islamabad.
- ii.** Chairperson National Commission for Human Rights Islamabad.
- iii.** Incharge/Director National Commission for Human Rights (Lahore Office).
- iv.** Chairperson Director Child Protection & Welfare Bureau.
- v.** Incharge Special Unit of Child Protection & Welfare Bureau in Sahiwal.
- vi.** Incharge Special Unit of Child Protection & Welfare Bureau in Rahim Yar Khan.
- vii.** Incharge Special Unit of Child Protection & Welfare Bureau in Multan.
- viii.** Incharge Special Unit of Child Protection & Welfare Bureau in Faisalabad.
- ix.** Commission on Child Welfare and Development Islamabad.
- x.** Director Social Welfare & Bait-ul-Maal.
- xi.** Human Rights Cell (Human Rights Department)
- xii.** Secretary Journalist Union Bahawalnagar.

➤ **Police/Inspectorate General of Police Punjab:**

- i. Office of Inspectorate General of Police Punjab.
- ii. Office of Inspectorate General of Prisons Police Punjab.
- iii. Additional Inspectorate General of Police (Trainings) Punjab
- iv. The Commandant of Police Training College, Lahore.
- v. The Superintendent Borstal Institution Bahawalpur.
- vi. Station Head Officer/Incharge Sabzazar Police Station, Lahore.
- vii. Station Head Officer/Incharge Nawan Kot Police Station, Lahore.
- viii. Station Head Officer/Incharge Iqbal Town Police Station, Lahore.

➤ **International/Foreign Organisations/Institutes:**

- i. UNICEF Head Office Islamabad.
- ii. UNICEF Lahore Office.
- iii. Save the Children Sweden.
- iv. Norwegian Ministry of Foreign Affairs.

➤ **Embassies in Islamabad (Pakistan):**

- i. The Embassy of Switzerland.
- ii. The Embassy of Belgium.
- iii. The Embassy of Norway.
- iv. Delegation of the European Union to Pakistan.

End
