

May 2022 Edition



**Legal Awareness
Watch Pakistan**

**Juvenile Justice
NEWSLETTER**

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An initiative by Legal Awareness Watch Pakistan (LAW)



Abbreviations

- **LAW: Legal Awareness Watch Pakistan**
- **MRDO: Marvi Rural Development Organisation**
- **CRPC: Criminal Code of Procedure 1898**
- **PPC: Pakistan Penal Code 1860**
- **JJ: Juvenile Justice**
- **JC.: Juvenile Court**
- **JJSA: Juvenile Justice System Act 2018**
- **JJN: Juvenile Justice Newsletter**
- **PEMRA: Pakistan Electronic Media Regulatory Authority**
- **NAPA: National Academy of Prison Administration**
- **KPK: Kyber Paktunkhaw Province**
- **CRC: United Nations Convention on the Rights of Children**
- **CTD: Counter Terrorism Department**
- **JJC: Juvenile Justice Committee of Lahore Bar Association**
- **LBA: Lahore Bar Association**
- **I.G: Punjab Inspectorate General of Prisons**
- **I.O: Investigation Officer**
- **D.G: Director General**
- **A.C.: Assistant Commissioner**
- **GBV: Gender Base Violence**
- **PPSP: Probation and Parole Service Punjab**



Dear Recipient (s),

We're gladly sharing with you that we had implemented another awareness-raising session on child rights in juvenile justice. The session was implemented in **Bahawalnagar** city in (Southern part of Punjab) province in collaboration with **District Union of Journalist** and **District Bar Association Bahawalnagar** on **31st March 2022**, it was our thirtieth session of this kind since 2019. Through this edition, we would like to thank our friends, and departments that had assisted us in making our session a huge success. It had a participation of **50** (20 defense lawyers, 5 prosecutors, 15 journalists, 01 probation officer, 3 policemen, members of juvenile justice committee notified for *Diversion*, etc.)

Moreover, in a bid to seek effective implementation of JJSA 2018 **LAW Pakistan** is launching a small-scale initiative across Punjab and Sindh which it labelled as **“Charter of Demands to the Government to effectively implement JJSA 2018 in Punjab and Sindh”**. The **“Charter of Demands”** will entail demands to at least **500** government departments and stakeholders i.e., police, probation, bar associations, prosecution, and judges/judicial officers to draw their attention to irregularities in the juvenile justice system based upon experiences its volunteers had earned and lessons learnt in the field operations in Punjab and Sindh.

We wish to have your feedback *via* email for letting us to improve our future editions and feel free to share with us your active e-mail addresses if you would like to be amongst the network facilitated by **LAW Pakistan**. **Note:** *Compilation of editions that we issued last year (2021) available online at: www.legalawarenesswatch.com*

Thanking you,

(Sarmad Ali)

Director LAW Pakistan
Advocate High Court

Dated: 30th April 2022.



RECENT PAST NEWS:

- To seek effective implementation of JJSA 2018 in Lahore Sessions Division the President of Lahore Bar Association on the plea of **LAW Pakistan** had re-constituted five members **“Juvenile Justice System Committee”** in April (2022) at the Bar level having Director **LAW Pakistan** as its *“Chairman”*.
- It has been brought to our knowledge by one of the participants from our last awareness-raising session on **“Child Rights in Juvenile Justice”** that in its Bahawalnagar city the police had arrested a child on suspicion of killing his cousin’s wife along with two others (adults). The concerned probation officer of the district had submitted a social investigation report under section 7 of JJSA 2018 “included a stipulation that read the child admitted killing his cousin’s wife.” In our view, the report submitted by the probation officer would have to be turned down by the court as the probation officer could not act as an **“investigation officer”**. The probation officer may only act to facilitate and assist any child in custody of the police to consider its social, family, economic and educational backgrounds, and other enabling facts in its social investigation report for the assistance of the trial court. Here, we safely submitted that the probation officer (s) across Pakistan have been in sheer need of trainings to improve their skills and understanding on the JJSA 2018 to ensure that JJSA 2018 be implemented fairly and effectively at all levels.
- A child who had been arrested on suspicion of killing his mother, brother, and sister after seeking influenced from **PuBG** (video game), a couple of months ago still facing pre-trial detention. The police/I.O. had not submitted Charge Sheet/*Challan* report in the competent court to prosecution for scrutiny as well as approval of the Charge Sheet/*Challan* before sending it to the court for trial. We strongly condemn this delay on part of the police/I.O. and believe the court will take an action against the I.O. in lines with section 155© of **Police Order 2002**.



EVENT FROM RECENT PAST:



Photos from awareness-raising session that was held in Bahawalnagar on child rights in juvenile justice.



PERSPECTIVE FROM ABROAD:

The role of a lawyer in Juvenile Justice System.

The lawyer for children is to assist and provide appropriate help in the court in exercising his rights of defense effectively according to article 6.2 of directive (EU) 2016/800.¹

The lawyer for children is a lawyer when defends a child and deal with a child's case the lawyer is bound by general duties and obligations related to his role. Following mentioned are duties and obligations as already known by the lawyers around the globe:

- 1. Independence.**
- 2. Loyalty.**
- 3. Integrity.**
- 4. Diligence.**
- 5. Observance of professional secrecy.**
- 6. Duty of competence and responsibility a lawyer cannot accept an assignment which he is not able to carry out with appropriate expertise. (For further reading consider United Nations Basic Principles on the Role of Lawyers)²**

Whether the lawyer is a lawyer chosen by the child or appointed *ex officio* by a court or competent authority/State counsel at the expense of the State, **he needs to:**

- a. Be a trusted person for the child,**
- b. Be the child's spokesperson and defender of his opinion (s) and interests,**
- c. Collaborate with other professional in the juvenile justice system pay special attention to the child's specific rights.**

END

This newsletter has not been professionally edited.

¹To understand which skills lawyers, need to have when defending a child in conflict with the law, it is important to read this article in combination with articles 40 and 12 of the UNCRC.

² <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-role-lawyers>