



CHILDREN IN PRISONS

PUNJAB REPORT 2021

A Statistical and Observational Analysis

DASTAK CHILD RIGHTS UNIT

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Preface

Dastak Charitable Trust's Child Rights Unit (CRU) has been engaged in the promotion and protection of the rights of the child since 1980 and actively campaigned for Pakistan's ratification of the UN Convention on the Rights of the Child. One of the areas of child rights on which the Unit focuses its activities is that of Juvenile Justice. In 1996 a program on Children in Prison was started in collaboration with the Home Department, Government of Punjab.

The purposes for which the program was established were:

1. Monitoring and surveys of prisons and other facilities for the custody of children in conflict with the law and identification of legal aid to children for bail and other related matters and taking the necessary steps for provision of legal assistance,
2. Collection of information on under trial and convicted children from prisons and Borstal facilities in the Punjab,
3. Identification of urgent relief cases and transmission of information to government and courts with recommended action in each case,
4. Preparation of an annual report on children in the criminal justice system using the information collected as a part of the program,
5. Making policy recommendations and assisting the authorities in implementing standards for the treatment of children in prisons and for facilities and services made available during the period of pre-trial detention and during serving their sentences,
6. Piloting an education program for children in prisons focusing on life skills.

The purpose of this report is to present a comprehensive picture of the condition of children in prison. The statistics on which this report is based are received from the Home Department every month by CRU. The analysis derived from these figures presents an accurate reflection of the trends in regard to the treatment of children in the criminal justice process and the extent to which standards applicable in the area of juvenile justice are observed.

Limitations of the Report

This report aims to identify trends observed among the child prisoners who entered the prisons across Punjab in 2020 and 2021 based on the data received from the concerning government department i.e. the Inspectorate of Punjab Prisons, Government of Punjab. It is stated at the outset that there were multiple instances where certain information of a number of prisoners was missing in the data received by the CRU from the Inspectorate of Punjab Prisons. The CRU reached out to specific jails where those prisoners with missing information were housed to obtain the data. While the Inspectorate of Prisons and the staff of the prisons have been extremely cooperative in sharing their data and aiding in the development of this report, yet in certain cases, the CRU was unable to retrieve the missing information. Consequently, those prisoners have been counted in the report but where any relevant information was missing, it was flagged accordingly.

Additionally, the CRU would also like to point out that the original data set also included prisoners who were aged over 18 years which were confined in juvenile prisons/wards. For the purpose of the report, this group has not been included in the analysis as it focuses strictly on juveniles/children as defined under the law.

Abbreviations

CIP	Children in Prisons
CJ	Central Jail
CrPC	Code of Criminal Procedure 1898
CRU	Dastak Child Rights Unit
CT	Convict
DJ	District Jail
ECIP	Life Skills Education for Children in Prisons Program
JJSA 2018	Juvenile Justice System Act 2018
KFO	Punjab Prohibition of Kite Flying Ordinance, 2001
PPC 1860	Pakistan Penal Code 1860
RI	Rigorous Imprisonment
SI	Simple Imprisonment
SJ	Sub-jail
UT	Under Trial

1. Overall Record of Reporting Jails in 2021

The CRU regularly receives juvenile population data of 35 prisons across Punjab from the Inspectorate of Punjab Prisons on which the report has been based. Data was available for most prisons for the entire 12 months in 2021 except the Women Jail, Multan which possibly only reported in the months it detained a juvenile prisoner/s. Sub-jail Shujabad and Sub-jail Shahpur shared data regularly in 2020 and was the only departure from previous years' data as it did not report in any month throughout 2021, possibly because it was not accommodating any juveniles. Lodhran also reported regularly in 2021 whereas it had only provided data for 3 months in 2020.

#	Name of Jail	Reporting Months	#	Name of Jail	Reporting Months
1.	Borstal Jail Bahawalpur	12	19.	District Jail Lodhran	12
2.	Central Jail Dera Gazi Khan	11	20.	District Jail Mandi Bahauddin	12
3.	Central Jail Faisalabad	12	21.	District Jail Muzaffargarh	12
4.	Central Jail Gujranwala	12	22.	District Jail Narowal	12
5.	Central Jail Mianwali	12	23.	District Jail Okara	12
6.	Central Jail Multan	11	24.	District Jail Pakpattan	12
7.	Central Jail Rawalpindi	12	25.	District Jail Rajanpur	11
8.	Central Jail Sahiwal	12	26.	District Jail Rahim Yar Khan	11
9.	District Jail Attock	11	27.	District Jail Sargodha	12
10.	District Jail Bahawalnagar	12	28.	District Jail Shahpur	12
11.	District Jail Bhakkar	12	29.	District Jail Sialkot	12
12.	District Jail Gujrat	11	30.	District Jail Toba Tek Singh	12
13.	District Jail Hafizabad	12	31.	District Jail Vehari	12
14.	District Jail Jehlum	11	32.	District Jail Sheikhpura	12
15.	District Jail Jhang	12	33.	Sub Jail Chakwal	12
16.	District Jail Kasur	12	34.	Sub Jail Shujabad	0
17.	District Jail Lahore	12	35.	Women Jail Multan	2
18.	District Jail Layyah	11			

2. Statistical Overview of the Prisoner Data Received by CRU

The consolidated data received by the CRU from the Inspectorate of Punjab Prisons, Government of Punjab showed that **2561** convicted and under trial prisoners were confined in juvenile prisons across Punjab over the course of 2021, out of which 1671 entered the system in 2021 and 21 were convicted this year. The following table shows the key trends for 2021 amongst the juvenile population as well as a comparison with the previous year to highlight any changes in trends.

Table 1: Key Trends in Prisoner Data 2020 and 2021

2021	2020
Average population in the juvenile prisons and wards per month in 2021: 694 (inclusive of all pre-2021 prisoners and prisoners aged 18 years and above)	Average population in the juvenile prisons and wards per month in 2020: 481 (inclusive of all pre-2020 prisoners and prisoners aged 18 years and above)
Total child prisoners (less than 18 years) admitted in Punjab Prisons in 2021: 1671	Total child prisoners (less than 18 years) admitted in Punjab Prisons in 2020: 1248
Total number of convicted prisoners in 2021: 153 New Convicts: 67	Total number of convicted prisoners in 2020: 86 New Convicts: 21
Only 2 juvenile female prisoners appeared in the 2021 juvenile data and both were 2020 entrants,	Total of female under trial prisoners in 2020 identified from the juvenile and women

confined in Multan Women Jail.	population data: 8
Prison with the highest under trial population: Central Jail Rawalpindi (213)	Prison with the highest under trial population: Central Jail Rawalpindi
Reporting Prison with lowest under trial population: District Jail Attock (16)	Reporting prison with lowest under trial population 2020: Women Jail Multan and Sub-jail Shujabad
Home Districts of Under Trial Prisoners admitted in 2021: a. <i>Highest number of under trial prisoners belong to: Lahore (173)</i> b. <i>Lowest number of under trial prisoners belonged to: Chakbandi Barkha, Gujjar Khan, Abadi Hussaina (1 each)</i>	Home Districts of Under Trial Prisoners admitted in 2020: a. <i>Highest number of under trial belonged to: Rawalpindi (124)</i> b. <i>Lowest number of under trial prisoners belonged to: Narowal (4)</i>
47% under trial prisoners admitted in 2021 were charged with offences against property (Theft, Robbery, Misappropriation of Property, Receiving Stolen Property, Cheating, Mischief, Criminal Trespass) and 33% with sexual offences (Rape/Zina, Sodomy and Sale of Obscene Books etc., Human Trafficking, Attempt to Commit Sexual Crime)	41% under trial prisoners admitted in 2020 were charged with offences against property and 32% with sexual offences .
Juvenile convictions in 2021 were mainly for sexual offences, offences against the human body (Murder, Hurt and Assault, Attempt to Murder, Kidnapping, Abduction) and property offences	Juvenile convictions in 2020 were mainly for offences against the human body, property offences and sexual offences .
16 prisoners were in the age group 7-11 years (1%), 589 prisoners were aged between 12-15 years (35%), and 1066 prisoners fell in the age-group 16-18 years (64%).	17 prisoners were in the age group 7-11 years (1.3%), 462 prisoners were aged between 12-15 years (37%), and 760 prisoners fell in the age-group 16-18 years (60%). Information for 9 children was missing in the data.
Youngest under trial prisoner in Punjab 2021: 5 years old charged for the offence of Murder	Youngest under trial prisoner in Punjab 2020: 8 years old (2 prisoners). Both appeared in the data for only month.
Youngest convict in 2021: 12 years old , sentenced in July 2021 to 10 years RI for the offence of Rape.	Youngest convicts in 2020: 11 and 12 years old . Both were involved in the same case and sentenced in February 2020 to 25 years RI for Murder, Kidnapping and Unnatural Offences.
Maximum sentence/punishment awarded in 2021: 25 years imprisonment (awarded to 27 prisoners)	Maximum sentence/punishment awarded in 2020: 25 years imprisonment (awarded to five prisoners)

3. Under Trial Prisoners 2021

A) Juvenile Prisoners Admitted in Prisons as Under Trial in 2021

In 2021, a total of **1671** under trial prisoners entered the Punjab prisons. Chart 1 at the end of the report illustrates the spread of the population across the 34 Punjab prisons as per the data shared with the CRU. This year witnessed a 34% increase in the number of children facing criminal charges and admitted to prisons compared to 2020.

Central Jail Rawalpindi reported the highest number of new under trial juvenile prisoners, same as last year, with 213 prisoners, followed by District Jail Lahore which reported admitting 179 new juvenile prisoners. District Jail Attock reported the lowest number of under trial prisoners in 2021 with 16 juvenile prisoners. To see the prisons wise distribution of the entire new population, refer to Chart 1 (end of the report).

B) Monthly Under-Trial Population in Prisons in 2021

Table 2: Monthly Distribution Under Trial Prisoners

January – December 2021			
Month	No. of Reporting Jails (Total jails: 33)	Population of Under Trial Children in Prisons Each Month in 2021 <i>(inclusive of the new admissions and over 18 years old)</i>	Number of New Under Trial Children Admitted in Prisons Each Month in 2021
January	34	576	119
February	33	529	71
March	30	518	82
April	33	499	0
May	30	539	262
June	32	600	216
July	33	627	250
August	33	667	161
September	33	682	192
October	33	664	106
November	33	640	95
December	33	618	117
		Average per month: 596	Average per month: 139

C) Yearly Comparison of Juveniles Admitted in Punjab Prisons:

The following table gives an overview of number of children entering Punjab prisons every year since 2011. A steady decline can be seen over the years with the number remaining less than 2000 for the past five years.

Table 3: Yearly Comparison of Juveniles Admitted in Punjab Prisons 2011-2021

Year	Number of Children entering Punjab Prisons
2011	2610
2012	2452
2013	1662
2014	2057
2015	2287

2016	Not available
2017	1556
2018	1292
2019	1304
2020	1246
2021	1671

D) District Wise Breakdown of Under Trial Prisoners Admitted in Punjab Prisons in 2021:

Division of the new under trial prisoners on the basis of their home districts is indicative of the districts in Punjab where crime rate amongst children is high and more research is needed to verify this trend and understand the causes. According to the data received by the CRU, the highest number of prisoners in Punjab belonged to Lahore district with 168 prisoners followed by Rawalpindi district with 125 prisoners and Faisalabad which was home to 109 prisoners. A steep rise in the number children hailing from Lahore was seen in 2021 as last year only 35 children belonged to this district.

76 prisoners who were held in prisons across Punjab belonged to districts outside of Punjab, mostly from districts of KP (16) including Mardan, Kohat, Charsadda, Abbottabad, Swabi and Peshawar as well as children hailing from, Karachi (1) and Azad Kashmir (2). 51 cases of children from Islamabad were registered in Rawalpindi, Punjab and confined in Rawalpindi Central Prison.

Charts 2 and 3 at the end of the report give a district wise breakdown of the juvenile prisoners entering prisons across Punjab in 2021.

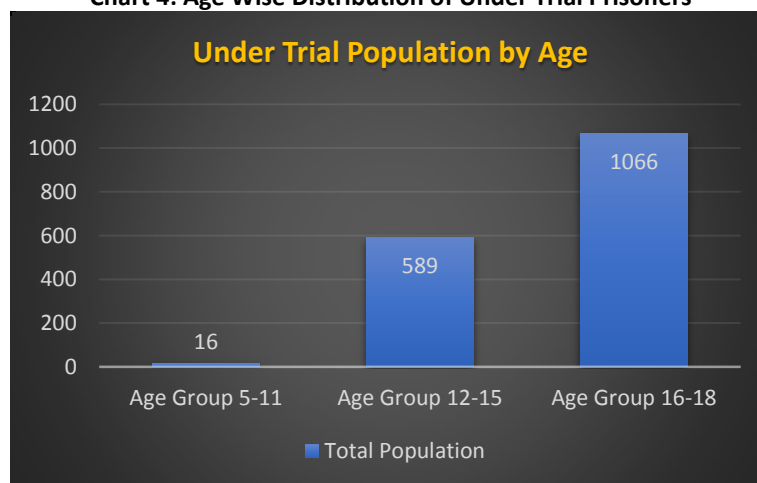
E) Age-wise Distribution of Under Trial Prisoners Admitted in Punjab Prisons in 2021

The following chart illustrates the age wise breakdown of the 1671 under trial prisoners who entered prisons in 2021. The prisoners have been categorized in the following three age brackets:

1. Age Group 1: 7-11 Years
2. Age Group 2: 12-15 Years
3. Age Group 3: 16-17 Years

16 prisoners were in the age group of 5-11 years (1%), 589 prisoners were aged between 12-15 years (35%), and 1066 prisoners fell in the age group of 16-18 years (64%) in the data shared by the Inspectorate of Punjab Prisons. There were 526 prisoners aged 17 years, the maximum age of juvenile prisoners in the reporting year.

Chart 4: Age Wise Distribution of Under Trial Prisoners



Youngest Under Trial Juvenile Prisoner/s: The youngest prisoner was a 5 year old child, admitted in Attock District Jail in December 2021 for the offence of Murder. In addition, two under trial prisoners under 10 years of age were the second youngest prisoners to enter the prisons in the reporting year. One of these prisoners, aged 9 years belonging to the District Rahim Yar Khan, entered District Jail Rahim Yar Khan during the month of August and was charged with Unnatural Offences under Section 377 of the Pakistan Penal Code, 1860 (PPC 1860). The prisoner appeared in the dataset in all subsequent months after August for a total of 5 occurrences. The other prisoner aged 8 years, also belonged to district Rahim Yar Khan and entered the District Jail Rahim Yar Khan in July 2021 on charges under Section 295A of the PPC. The prisoner was only reported for one month and did not appear in the dataset in subsequent months as shared by the Punjab Prisons Department, which meant timely action was taken for the prisoner’s release.

In the overall dataset, the youngest prisoner reported was aged 8 years who was housed in District Jail Lahore, belonging to home district Lahore, and was admitted in August 2020 for offence of Murder.

Important to Note: Under provisions of Section 82 of the Pakistan Penal Code, 1860 a child less than ten years is not liable to criminal responsibility and any act committed by him does not amount to an offence. Furthermore, Section 8 of the Juvenile Justice System Act, 2018 states if there is a controversy regarding the age of the child produced before the court, an inquiry to determine the age of the child must be conducted.

Eldest Under Trial Juvenile Prisoner/s: There were 526 under trial prisoners aged 17 years, the highest age for juvenile prisoners who entered Punjab prisons in 2021.

Yearly Comparison Age-wise Distribution of Under Trial Prisoners: Analysis of the past ten years shows that the largest number of juvenile prisoners fall in the age bracket of 16-18 years. The same trend continued in 2021 where 63% of the new population was aged between 16 to 18 years.

Table 4: Yearly Comparison of Age-wise Distribution of Under Trial Prisoners

Year	Ages 7-11(%)	Ages 12-15(%)	Ages 16-18 (%)
2011	0.76%	31.06%	68.17%
2012	1.1%	28.14%	64.40%
2013	0.54%	27.92%	71.38%
2014	0.64%	27.33%	72.03%
2015	0.54%	30%	69%
2016	Not available		
2017	1.45%	24.71%	72.88%
2018	0.61%	29.27%	70.10%
2019	1.3%	34.3%	64.11%
2020	1.36%	37.01%	60.9%
2021	1.01%	35.2%	63%

F) Offence Wise Division of Under Trial Children in 2021

Categories of Offences

Table 5 shows the various offences for which children were normally charged or convicted. Most children were charged with more than one category of offences and may also have been charged with multiple counts of the same category of offences, therefore, the total of different aggregates is not the same as the total number of under trial population in 2021. In 2021 nearly 22% (376) children were charged with more than one offence whereas in 2020 a little more than 70% percent were charged with multiple offences.

Table 5: Categories of Offences

Categories of Offences		
Offences against the Human Body	Murder, Hurt and Assault, Attempt to Murder, Kidnapping, Abduction (299-362 PPC)	
Offences against Property	Theft, Robbery, Misappropriation of Property, Receiving Stolen Property, Cheating, Mischief, Criminal Trespass. (378- 462 PPC)	
Sexual Offences	Rape/Zina, Sodomy and Obscene books etc., Human Trafficking, Attempt to Commit Sexual Crime. (363-377 PPC)	
Offences related to Narcotics/Drugs/intoxicants	Possession, Drug Trafficking, Using (The Control of Narcotic Substances Act, 1997), manufacture and owning of intoxicants Sections 3 & 4 The Prohibition (Enforcement Of Hadd) Order, 1979	
Arms Offences	13/20/65, 7/21/79 Arms Ordinance 1965	
Offences related to Religion	295A and 295B PPC 1860	
Terrorism Offences	The Anti-Terrorism Act 1997	
Miscellaneous Offences	Status Offences	55/109, 55/107 PPC 1860.
	Kite Flying	Sections 3 and 4 Punjab Prohibition of Kite Flying (Amendment) Act, 2009
	Rioting and Unlawful Assembly	Sections 148 (rioting) and 149 (unlawful assembly) PPC 1860
	Ijra, Kalandra	Imprisonment resulting from the failure to produce property or equivalent in money, maintenance, dower, bridal gifts etc. in recovery cases in family or other civil matters.

Offence Wise Distribution of Prisoners Admitted in 2021

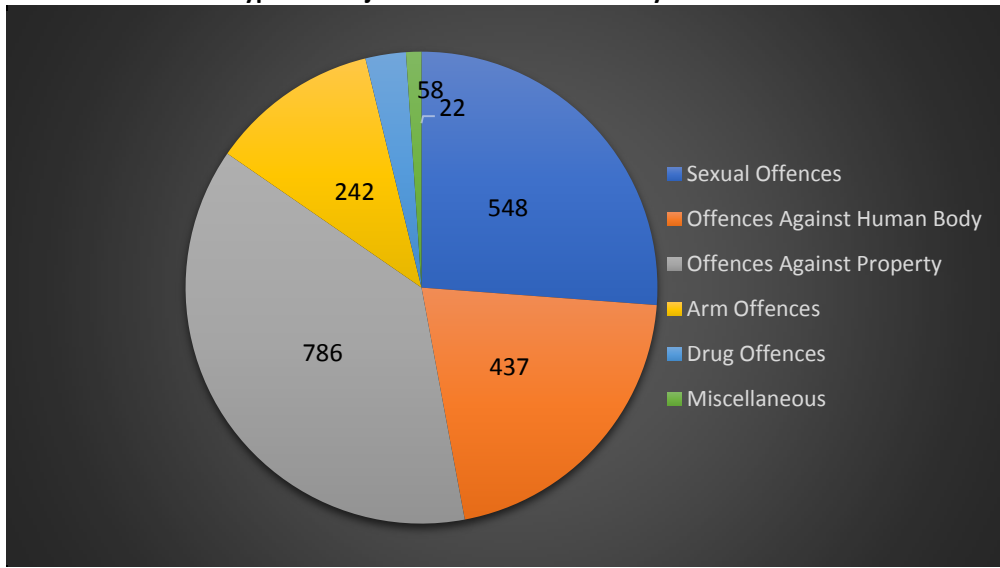
On analysis of offences-wise distribution of children admitted in prisons in 2021, it was observed that the highest number of children were charged with single or multiple counts of offences against property. This number stood at 786, which was 47% of total under trial population entering the prisons in 2021. In the previous year also, 41% percent of the juvenile population undergoing criminal trial was charged with offences against property.

This was followed by the category of sexual offences, under which 548 children were charged with single or multiple counts of the said offences, forming 33% of the 2021 under trial population (32% *last year*) and third major category of offences comprised of crimes against the human body for which 437 children were put on trial which was 26% of the new population. 242 (14.5%) prisoners were charged with arms related offences and 58 (3%) prisoners with drug offences. Also, 3 children were charged with blasphemy and 6 children with terrorism.

22 prisoners faced minor charges, either separately or with other offences, which included recovery cases in civil suits or family suits, kite flying violations, rioting and unlawful assembly and status offences - all of which are grouped together under the miscellaneous category.

The chart below illustrates the breakdown of major types of offences for which children were most commonly charged in 2021.

Chart 5: Types of Major Offences Committed by Under Trial Prisoners



G) Yearly Comparisons of Offence Wise Division of Under Trial Children

The following table shows the major categories of offences for which children were arrested and charged over the past five years. The overall proportion has remained the same with most children involved in crimes causing physical and sexual harm and offences involving misappropriation of property. The ratio of offences against the human body peaked in 2019 rising up to 52% but in other years it has been fluctuating between 19-26%. A rise in offences against property was also seen in 2018 and 2019, peaking to 85% and 96.5% respectively, but in other years it was less than 50% of the total population. **Proportion of children involved in sexual crimes and arms offences, however, have seen a gradual rise over the past five years.**

Table 6: Yearly Comparisons of Offence Wise Division of Under Trial Children

Year	Offences against the human body	Sexual offences	Offences against property	Arms offences	Drug offences
2017	23.4%	15.95%	44.89%	6.80%	5.73%
2018	19.6%	48%	85%	6.2%	4.6%
2019	52.5%	48.9%	96.5%	11.1%	5.4%
2020	23%	32%	41%	12%	3%
2021	26%	33%	47%	14.5%	3%

4. Convicted Prisoners 2021

A) Juvenile Prisoners Convicted in 2021

According to Section 15 of the Juvenile Justice System Act (JJS) 2018, Juvenile Court on receipt of report of Probation Officer and on conclusion of trial, keeping in view the best interest of the child, can exercise the following options:

- a. Release the juvenile offender, pass an order for community service, direct him to pay fine or compensation to the victim or complainant, order for restitution of his property, order for his counseling;
- b. Release on probation for good conduct,
- c. Send the juvenile to a Juvenile Rehabilitation Center¹.

As per Dastak Child Rights Unit's observations, in practice courts only exercise the option given under Section 15(c) on conclusion of the trial, directing the convicted children to be sent to borstal institutions included in the definition of Rehabilitation Centre under the law. Moreover, convicted children are also sent to District and Central Jails and according to the prisons data received in 2021, the children were detained in **8 other prisons** in Punjab in addition to the two facilities in Bahawalpur and Faisalabad designated as borstals.

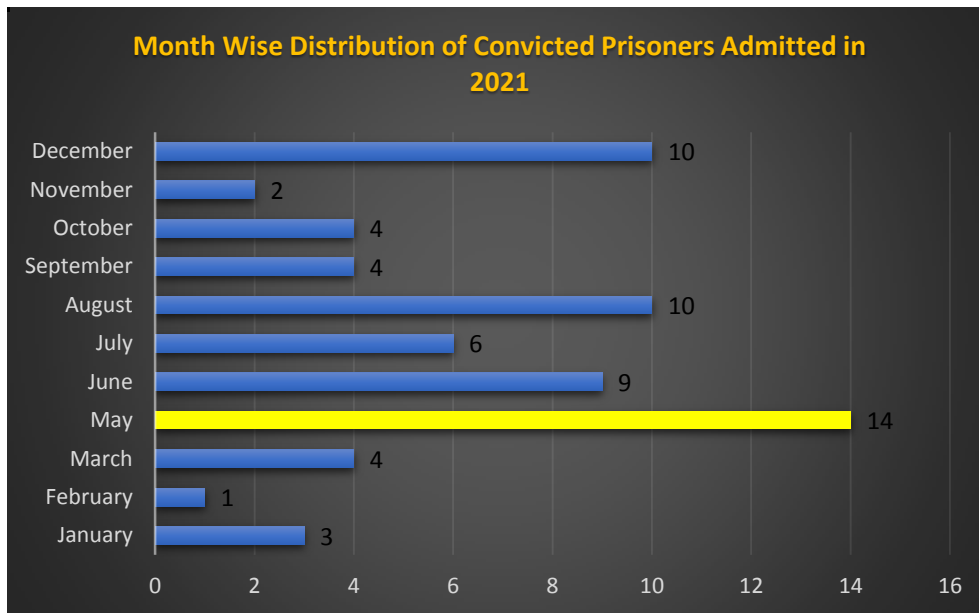
According to the data received by the CRU in 2021, **67** juvenile prisoners were convicted in 2021. The highest number of juvenile prisoners convicted in 2021 was 14, in the month of May, followed by 10 in August and December each. Only one juvenile prisoner was convicted in February. Table 7 shows the number of new convicted juvenile prisoners who entered the Punjab prisons per month in 2021

Table 7: Monthly Convicted Population in Jails in 2021

Month	Total Monthly Population of Convicted Children in 2021	Number of New Convicts Monthly in 2021
January	90	3
February	89	1
March	84	4
April	78	0
May	66	14
June	98	9
July	101	6
August	107	10
September	115	4
October	115	4
November	93	2
December	107	10

Overall, there were **153** convicted juvenile prisoners present in Punjab jails in 2021 and this number is inclusive of prisoners who had been convicted prior to 2021. On average there were **95** convicted prisoners per month across juvenile prisons in 2021 which includes pre-2021 prisoners and prisoner aged 18 years and above. Table 7 above shows the month wise status of the number of convicted children in Punjab prisons in 2021.

¹Juvenile Rehabilitation Centre" 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 institutions, juvenile training institutions, borstal institutions, vocational centers, Darul-Aman and women crises centers established by the Government or by voluntary organization certified by the Government.



B) Prison Wise Distribution of Juvenile Prisoners Convicted in 2021

The highest intake of convicted prisoners in 2021 was in Borstal Jail Bahawalpur and Central Jail Faisalabad, as both were dedicated facilities for juveniles, with 25 and 21 juvenile prisoners respectively. District Jail Mandi Bahauddin, District Jail Toba Tek Singh and District Jail Sialkot took in one prisoner each. The following chart shows the ten prisons where the new convicted juvenile population was housed in 2021:

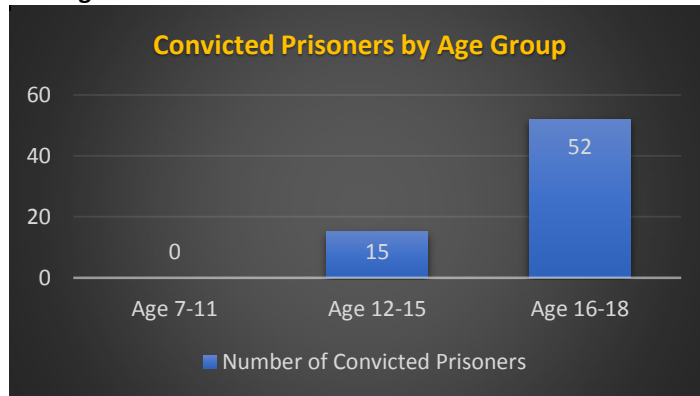
Chart 7: Prison Wise Distribution of Convicted Prisoners



C) Age Wise Distribution of Juvenile Prisoners Convicted in 2021

Majority of the prisoners convicted in 2021 were aged between 16-18 years, with a total of 52 prisoners in this age group. 15 prisoners fell in the age bracket of 12-15 years while no child in the 7-11 years age group was reported to have been convicted in 2021. Chart below shows the age wise distribution of juvenile prisoners convicted in 2021.

Chart 8: Age Wise Breakdown of Convicted Prisoners Admitted in 2021



Youngest Juvenile Convict/s in 2021: The youngest prisoner convicted in 2022 was aged 12 years, belonged to Bahawalnagar district and was confined at the Borstal Jail Bahawalpur. The prisoner was sentenced in July 2021 to 10 years RI for the offence of Rape (under Section 376 of the PPC 1860). The youngest convicted prisoner in the overall dataset (including pre-2021 entries) was a boy aged 10 years confined at Borstal Jail Bahawalpur, who hailed from Muzaffargarh District and was convicted for Rape in 2019.

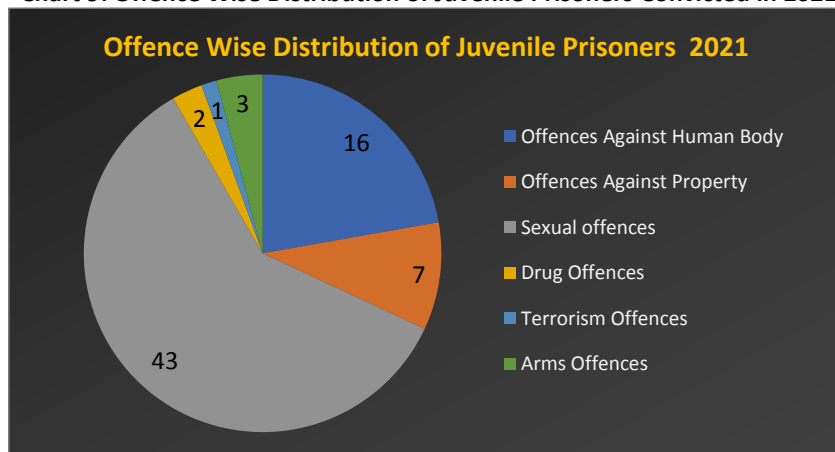
Eldrest Juvenile Convict/s in 2021: The highest age for convicted juvenile prisoners was 17 years in 2021. 26 prisoners of this age were convicted in 2021 and formed a part of the convicted population this year. Of those prisoners, 13 prisoners were convicted for sexual offences, 2 for arms offences, 2 for narcotics offences, 3 for offences against the property, 3 for offences against the human body, and 1 each for offences against the human body coupled with offences against property and terrorism offences.

D) Offence Wise Division of Children Convicted in 2021

Analysis of the new convicted population of 2021, according the nature of crimes, shows 43 prisoners were convicted for sexual offences (rape and unnatural offences), 16 prisoners were convicted for offences against the human body (murder and kidnapping), 7 prisoners were held guilty for offences against property (theft, kidnapping to extort property), 2 prisoner convicted for narcotics related offences (manufacture and owning intoxicant) and 3 prisoners were convicted for arms related offences. Additionally, one prisoner was convicted for terrorism related offences.

The chart below graphically illustrates the types of offences for which 67 juvenile prisoners were convicted in 2021.

Chart 9: Offence Wise Distribution of Juvenile Prisoners Convicted in 2021



E) Length of Sentences of Convicted Prisoners

Convicted prisoners in 2021 received varying degrees of sentences depending on the nature and severity of the crimes for which they were held guilty as described above. The following chart provides information of the length of sentences of all 67 prisoners convicted in 2021.

Chart 10: Length of Sentences Awarded to Convicted Prisoners



Highest Sentence Awarded in 2021: The highest sentence awarded in 2021 was for a period of 25 years, received by 27 prisoners.

Shortest Sentence Awarded in 2021: Two prisoners were given sentences of three months each which was the shortest length of imprisonment awarded to a juvenile convicted in 2021. One of the prisoners was held in Central Jail Faisalabad and was convicted for theft of property and the second prisoner was detained at Central Jail Gujranwala and was convicted for car theft.

Rigorous Imprisonment: 41 of the 67 convicted juveniles, admitted in Punjab Prisons in 2021, were sentenced to Rigorous Imprisonment, despite it being specifically prohibited under Section 16(2) of the Juvenile Justice System Act 2018 which states that no juvenile can be ordered to labor during detention or custody.

5. Legal Aid by Dastak CRU

Dastak CRU secured 129 bails for juveniles at the Lahore District Jail in the year 2021, mostly in cases of petty theft and robbery, but also included minor cases of fire-arm and drug usage/possession, and sent 33 urgent relief letters for children in prisons under the age of 14 to request special attention and speedy process to ensure their release and reintegration.

A. Observations and Recommendations

Monitoring Visits

CRU visited 9 prisons in Punjab in the year 2020 for oversight of Life Skills Education for Children in Prisons Program and identifying cases for provision of legal aid.

1. Lahore District Jail (seven visits)
2. Rawalpindi Central Jail
3. Sheikhpura District Jail
4. DG Khan Central Jail
5. Kasur District jail
6. Gujranwala Central Jail
7. Faisalabad Central Jail (and the vacant Faisalabad Borstal Institution and Juvenile Jail)
8. Bahawalpur Borstal Institution and Juvenile Jail
9. Bhakkar District Jail

Recommendations:

Female Juvenile Prisoners

No new juvenile female prisoner was reported in 2021 except two prisoners who were present from the previous year confined in Women Jail Multan. This cannot be presumed to be a correct estimate of the total number of female children imprisoned in the Punjab in the whole year. Due to the lack of consistent reporting with respect to female children, CRU was not able to assess the situation of these children. In case of those about whom the CRU did receive information at some time during or throughout the entire year, a lack of consistency in reporting by the prison made it difficult to accurately comment on their status throughout the year. CRU strongly urges the Punjab Prisons to develop a mechanism through which juvenile prisoners are included in the juvenile population statements so that legal assistance and other support can also reach them and specialized benefits and concessions for juvenile prisoners can be extended to them.

Segregation of Children

Although the prison system has improved its compliance with the rules of segregation, the uniformity of application of these rules is still to be achieved. The policy of segregation amongst children should also be clarified and properly enforced. A certain level of ambiguity prevails under the applicable Prisons Rules. In addition to age wise segregation efforts should be made to segregate convicted and under trial children. More vigilance needs to be exercised to ensure that younger children are not exposed to risk of sexual or other forms of abuse or influences of those amongst the children who are charged with more serious offences.

Arrest and Remand: Role of Police

The juveniles must be brought before the court within 24 hours of their arrest² and their cases should be resolved on a priority basis as is very clearly stated in the law.

CRU strongly urges that children below the age of 14 should not be remanded to police custody, as per the law. In the case of other children this must be avoided and if resorted to, proper monitoring arrangements must be put in place to ensure the safety of the child and protection of their rights. This is particularly important in the case of female children.

² Section 61 Code of Criminal Procedure 1898

As per the law, a juvenile (anyone below the age of 18) shall be kept in an observation home (not in a police station) after arrest by police as well as after obtaining remand from juvenile court or otherwise for conducting inquiry or investigation. No observation homes have yet been established in the province. Observation Homes shall be separate from police stations. Few juveniles also disclosed that they were pressured by the police to confess and they did so just to avoid police torture.

Legal Aid

There is no authority within the prison system exclusively responsible for legal facilitation of children. This includes legal counseling and handling of cases in courts. Since this is a fundamental right and a legal necessity, it is recommended that appropriate measure be taken to address the existing gap. It is recommended that courts must exercise more diligence in ensuring that the legal representation provided to children by the court, or otherwise, is serving their best interests and that the children and their family are kept informed of every step in the progress of their case. Prisons Rules require a Sessions and/or Additional Sessions judges to visit prisons fortnightly and take note of prisoners' access to legal aid.

Education and Awareness

The formal education curriculum was observed to be lacking in most jails. Several jails such as Bahawalpur Borstal Institution and Juveniles Jail and D.G Khan Central Jail had virtually no classes being taken due to the unavailability of a proper facility or a teacher. In all other jails, the curriculum being followed was outdated. With regards to vocational training, there were a few courses offered by TEVTA in prisons, such as motor mechanics, electronics, gas welding, basic computer operating skills and stitching. However, there was no mechanism for assessing the child's needs and arranging skills training for them based on their preference or aptitude. It was also mentioned by the TEVTA staff that the course completion certificate stated that the training was received in a jail facility, which is a contravention of international standards and reduces value of the certificate/diploma to secure employment. TEVTA staff has submitted several applications to their authorities since 2016 to prohibit this practice but it continues till the writing of this report.

In an attempt to narrow the education gap in prisons, CRU conceptualized and developed a life skills based education program for children. This program was piloted in six facilities of Punjab in 2019 and was taught in addition to the formal education system already in place in the participating prisons, to ensure that children leave the prison with some beneficial knowledge and awareness. The instructors trained for this program were the newly appointment psychologists in prisons due to their capacity to conduct the program with requisite compassion and a deeper knowledge of a child's psychology. The basic objective of introducing such an educational program was to help children in detention reach their full personal potential and to prepare them for the challenges of everyday life. The curriculum included an application of life skills in the context of specific risk situations and in social circumstances where children and adolescents needed to be empowered to promote and protect their rights. The pilot phase revealed a few key concerns that needed to be addressed to make the program more effective. Since a significant number of juveniles had zero literacy, the curriculum needed to emphasize more on the activities suitable for all levels of literacy. Furthermore, a few more topics needed to be added to make the curriculum more holistic and well-rounded, such as team-building, accountability for one's actions, preventing and protecting one's self from bullying, sexual harassment/abuse, how to optimize mental and physical health and prevention of drug abuse.

The redesigning of the ECIP curriculum was completed by mid-2021 including training of the Prison psychologists on the new curriculum. CRU delivered Teaching Kits and copies of the teaching module

to each of the participating prisons. The ECIP program was running in 9 prisons of Punjab where the instructors take one to two life-skills classes every week.

CRU also recommends starting a paralegal training program for adult prisoners in Punjab who can educate juveniles on their legal rights as well as keep a follow up on their cases and keep them informed of the progress and legal nuances regarding their cases.

Infrastructure and Facilities

Clean drinking water and proper meals are duly ensured, according to the juveniles interviewed. While some prisons were actively improving the conditions of their barracks with regards to cots, bedding, toilets, hygiene supplies and sanitation, others seemed to not consider these a necessity. Several facilities observed during the course of the year had outdated and poor infrastructure which could pose a living hazard. In a few facilities, it was also observed that the Hepatitis B & C and HIV/AIDS infected inmates and new entrants, whose admission formalities were not yet completed or were being quarantined to prevent the spread of COVID-19, were kept in very poor conditions in cells. Their cells were not equipped with cots, only poor quality bedding placed on uneven, brick floors with no proper sanitation. Staffing inadequacies were mentioned by nearly all prisons, due to which they faced a number of issues ranging from security of juveniles to access to education.

Some jails had made arrangements to provide indoor and outdoor rest and leisure activities such as television access, board games, outdoor sports just as football and volleyball, but overall the arrangements were observed to be inadequate and unavailable on a regular basis in a number of prisons. Such arrangements should be a feature of all juvenile wards and borstal facilities, and must be available to all under trial and convicted children. The prison system should fully recognize that such activities are an important element of children's development and a crucial part of all rehabilitation and reform programs.

Juvenile Courts and Trial Procedure Complications

JSA 2018 requires the government in consultation with the High Courts to confer the power of juvenile courts on subordinate courts and appoint the presiding officers of such courts. There was one child court established in Lahore. However, its specific mandate was unclear and so far this court had jurisdiction to try cases related to children whether they were the offenders or victims. It had also been observed by the CRU that cases related to drug offences of adults were being tried in child courts, which is a violation of law and defeats the purpose of a specialized court. Upon inquiring the reasons behind this arrangement, court prosecutor mentioned that due to the caseload management failures in the lower courts, the child court had been directed to try all cases of drug-related crimes. The failure of the provincial governments to establish separate juvenile courts has resulted in the inordinate delays in trials of juveniles. The concerned governments must create exclusive Juvenile courts as provided by the law. Moreover, the juveniles are mostly handcuffed and often punished in the courtroom to maintain discipline.

From the prisons, the juveniles frequently travelled with adult prisoners to the court hearings and waited in the *bakhshi khaana* (temporary lock-up in courts) with adult prisoners while waiting for their hearing. Moreover, during the evidence and statements stage of a trial, the court room should be closed to public and only the concerned/authorized parties should be present, according to Section 11 of the JSA 2018, but this was not observed to be the case. Hearings were being conducted in an open court.

However, it is common practice for juveniles to not communicate with the visiting judges or raise complaints in the prisons. Juveniles also reported that the practice was not very different in courts. The reason behind this was not revealed by the juveniles. Similarly, the role of a probation officer in

preparing character assessment of juveniles before or during detention (temporary/permanent) has been clearly laid out in the Section 14 of the JJSA 2018 but an overwhelming majority of the juveniles and prison staff interviewed by the CRU revealed that they were not aware of any such officer or their role in determining the detention or release of a juvenile.

With regards to leniency granted to juveniles in bails, as per the Juvenile Justice System Act, 2018 – the CRU has observed that the practice was not in place. Section 6 of the JJSA 2018 gives the right of bail to all juveniles with and without surety (except for those above the age of 16, who have committed a heinous offence and the court sees it unfit for the juvenile to be released on bail due to the potential dangers he may be exposed to, or pose to others) but it is very often that juveniles detained for offences against property are not released due to the inability to pay for surety. Till date, the rules for the JJSA 2018 have not been promulgated, which definitively cause issues vis-à-vis implementation of the law. A conversation with the Punjab Probation and Parole Service Office revealed that rules had been drafted and forwarded to the Ministry of Law, but there had been no update on their review or finalisation processes. As a result, key features of the JJSA 2018 such as the concept of observation homes, juvenile rehabilitation centres, release on probation, awarding community services and adopting a reformatory mechanism of punishment through diversion by juvenile justice committees had not been in effect.

Chart 1: Prison Wise Distribution of Under Trial Prisoners Admitted in 2021

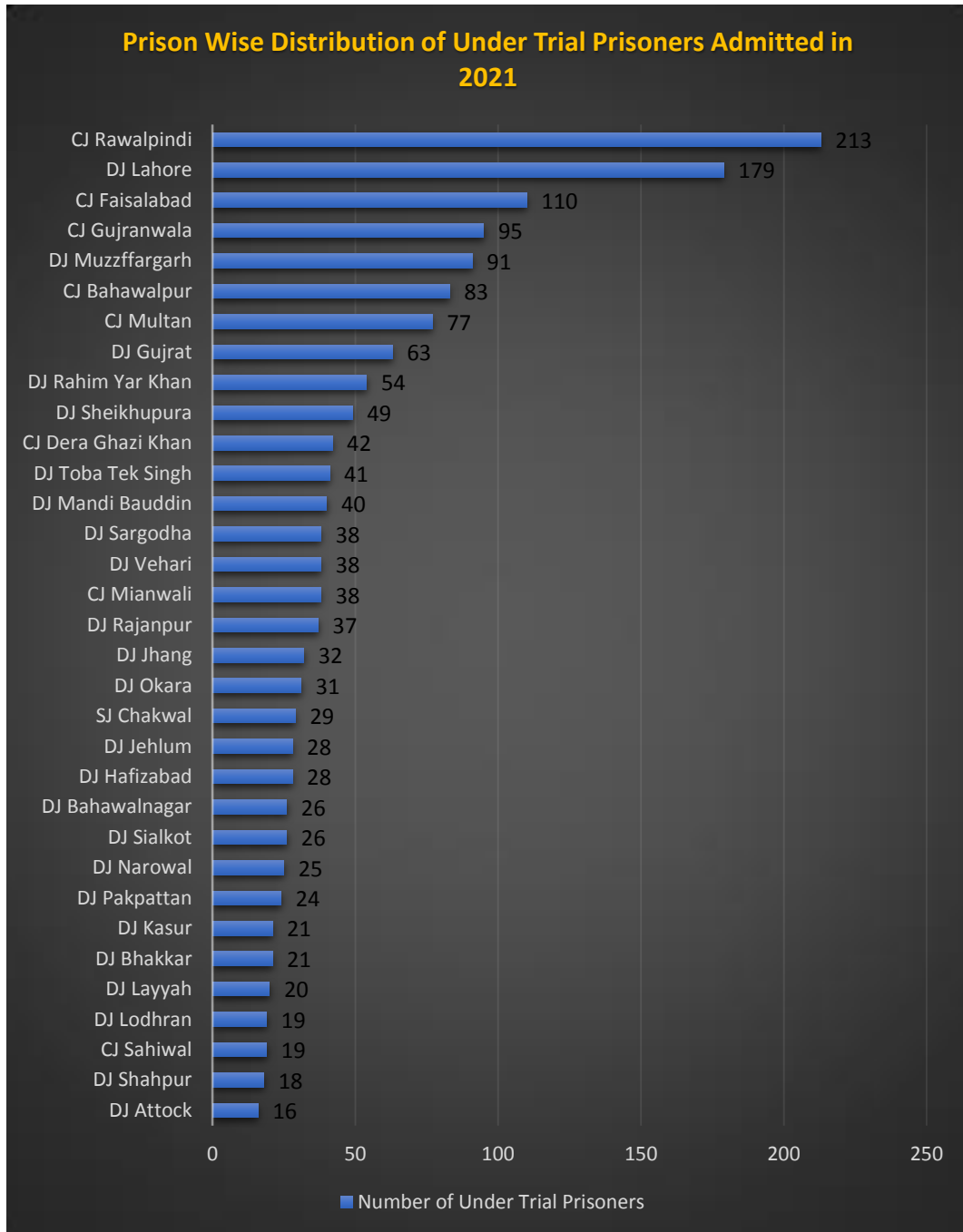


Chart 2: Home Districts of Under Trial Prisoners Admitted in 2021

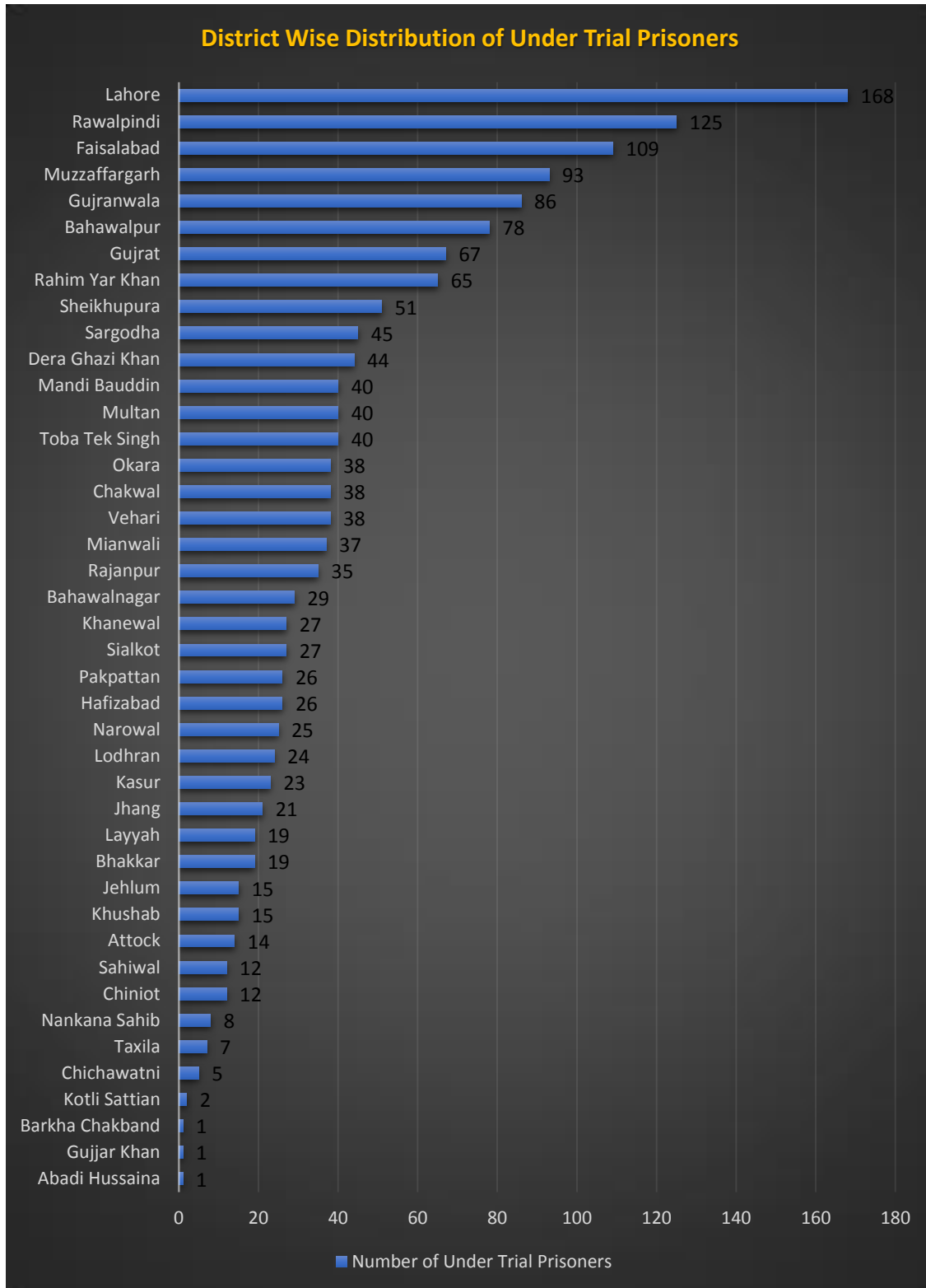


Chart 3: Home Districts (Non-Punjab) of Under Trial Prisoners Admitted in 2021

