

# Dying hopes behind the stone walls

*Lawyer  
Dawn  
12.10.03  
children*

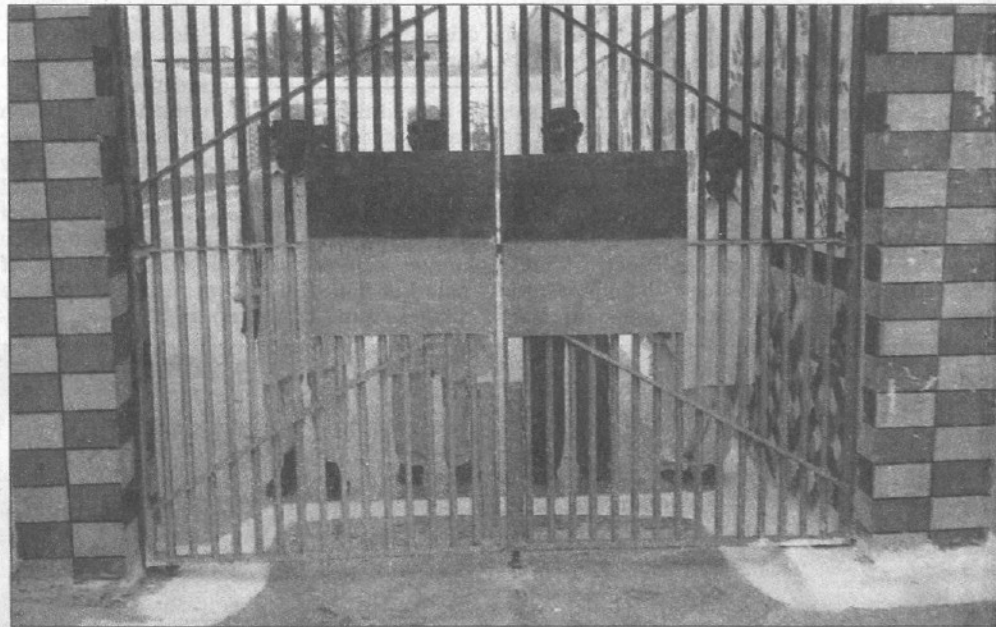
Thousands of children are at the mercy of Pakistan's faulty judicial system

By Hina Shahid

**T**HREE to four children, who were sweeping the wide road leading to the barracks, ran into the corner as the disciplinary whistle was blown by one of the officials. Small, gnarled hands of these vulnerable kids aged between 14 to 16 years were busy in laundry, cooking and cleaning. Is it a reform center or a prison?

One could smile wryly on the travesty of fate, seeing such young minds with ready energy, being engaged in work that was hardly creative. So much more would be expected from new minds, new souls. How could new ideas be realized with these set of circumstances? Many questions arose in the silence of the environment, as I stepped into the premises of the Juvenile Jail, Karachi.

A smell of sweat was in the



**FOR HOW LONG?** Has the outside world forgotten about the plight of these children

vagrancy and begging, children are illegally detained and ill-treated in police custody, before being sent to jail or observation homes. This savage and barbarous treatment, which includes electric

abduction and rape, drug trafficking, theft, wandering, gambling, anti-smuggling, Hudood Ordinance, violating modesty of women, railway act, military deserters, criminal assault etc. These children

Welfare officials do not visit police stations or jails regularly to look after detained children. This gives provision to the police to make money from victim's family. There are only 70 probation officers

Channa, Director General of the Judicial Academy, Sindh, stated that less than four per cent of over 700 child detainees in Karachi juvenile jail have been sentenced. Majority of the children in Pakistan's prisons spend more time in prisons than their actual term of imprisonment.

According to section 10(2) of the Juvenile Justice System Ordinance (JJSO), a child arrested for a non-bailable offence must be produced before the juvenile courts within 24-hours from the time of arrest. The child, however, should not, under any conditions, be kept in a police station. Despite the decree of the legislative process of JJSO, which necessitates quick trials, rehabilitation and non-custodial punishments, there are only 196 juvenile offenders on probation. One of the officials said that the absence of a bridge between the children and their parents makes them suffer more and sulk within themselves.

The food provided to the kids is low in quality of nourishment due to budget constraints, and the result is that

air, threatening to mix with the fresh air outside. Innocent faces with no hopes in their eyes, lined up in all the barracks of the houses namely Jinnah house, Iqbal house and Shah Abdul Latif house. This feature is a regular item for all the visitors. The children sit in a long line, hands crossed in their laps, waiting to be inspected. Majority of the children in prison come from extremely poor families and lower-middle social structure from a very young age. Their poverty veers them into the zigzag path of law, as they are forced into begging, prostitution, drugs, theft, robbery, and exploitative forms of labour, in order to survive.

Nazar Mohammad, a 15-year-old lad was picked up by the police under the case of theft of Rs14000/-, which comes under section 379/382/411/452. A resident of interior Sindh, he came to work day and night in a flour mill with his uncle to earn Rs2000/- per month to feed his brothers and sisters back home. Watching him, sitting with his head bowed, and his eyes looking yellow, was very depressing. It was hard for him to move due to deep wounds and bruises all over his body, which were gifts of the police custody, where he was repeatedly beaten. "I did not rob, but the police says I committed the crime", he said. "The fellow, who was robbed, bribed the officials to put me in jail. I cannot explain in words how I felt in police custody. Their sticks and lashes never stopped punishing me for a crime that I did not commit".

shocks, piercing skin and pouring chili powder, and poking patrol covered sticks into the private parts of a juvenile body, is a common feature of lockups. Police officers, who should protect children from harm, actually torture, ill-treat and harass the children, with no sympathy whatsoever.

Many children in the country are lost in this cruel bazaar of injustice. Around 40 per cent of adolescents of the region are the most vulnerable members of the society. In South Asian countries, children are sexually humiliated and abused by law enforcement officials. These violations are often not reported and documented because of the fear and shame for the children involved. Bangladesh, India, Nepal and Pakistan face the negligence in every sector regarding justice, support, protection and rights of their juveniles.

"My boss Mumtaz Seth pays me Rs150/- per day for selling charas on the shores of Kemari. In one day I used to make Rs25000 for my boss," said Gul Rehman, a 14-year-old lad. The charges of drug-trafficking dragged him behind the bars. Gul Rehman has no identity, nor background, as no one comes to meet him in jail. His mother never knew where her son goes and spends the whole day, and how the drug trafficker was exploiting him.

A large number of kids are imprisoned in jails for various reasons, among whom, there are 320 in Juvenile Jail, Karachi, 532 in Sindh altogether; some 1400 in Punjab, 588 in NWFP, and 158 in Balochistan, who are serving prison time, being involved in

are being ignored by the country's juvenile justice procedures. Children wait for their trials for years and years, and when they are convicted, they have become grown-up adults.

The Musharraf government, in the year 2000, had made amendments in legislation, abolishing the death penalty and raising the age of the child prisoner to 18 years. The parole and probation system for children is yet to be practised by the police and courts. Children are not being produced in courts for trial frequently; sometimes the judges are absent for months, and this weakens the legal procedure and promotes in further stagnation of the system. At present, there are 82,618 prisoners in jails around the country.

There is a lack of co-ordination between police and the probation departments. Under the Juvenile Justice System Ordinance, Section 10(1)(b) insists upon the police to inform the related probation officer, so that he or she could acquire information about the child, which may be of help to the juvenile court. This report is called a Social Investigation Report, but some of the DSPs and SHOs are unaware, even of the existence and occurrences of the probation department and its role. Police are required to make efforts to locate and inform the child's parents along with the welfare officials. But this system fails in practice, due to the fact that poor kids are often held illegally for long periods in police custody. Police often fails to follow proper procedures, either deliberately abusing their power or because they

in Pakistan including two women, who both are posted in Punjab. In 1996, Justice

their feeble bodies and empty minds have given up the hopes to go back to the society

called Chain. "I and my Chain members put ten tranquillizers in the tea of a man near



WHAT DID WE DO WRONG? ... they are behind bars

# nind

*12-10-83 children*

Channa, Director General of the Judicial Academy, Sindh, stated that less than four per cent of over 700 child detainees in Karachi juvenile jail have been sentenced. Majority of the children in Pakistan's prisons spend more time in prisons than their actual term of imprisonment.

According to section 10(2) of the Juvenile Justice System Ordinance (JJSO), a child arrested for a non-bailable offence must be produced before the juvenile courts within 24-hours from the time of arrest. The child, however, should not, under any conditions, be kept in a police station. Despite the decree of the legislative process of JJSO, which necessitates quick trials, rehabilitation and non-custodial punishments, there are only 196 juvenile offenders on probation. One of the officials said that the absence of a bridge between the children and their parents makes them suffer more and sulk within themselves.

The food provided to the kids is low in quality of nourishment due to budget constraints, and the result is that



Photos by the writer

## HELP, SOMEONE: The judiciary has failed to protect these youth

as normal human being.

Irfan ran away from home at the age of five from Vehari in Punjab. He stays at one of the shrines in Clifton, where he got exposed to all sorts of violence, exploitation and crime. He came into close contact with one of the group

Passport Office, at Murree Hotel, to grab his bag full of two lakhs. The rest of the boys ran away, but I was caught with the interference of the hotel's owner." At the age of 16, Irfan is charged in case of attempt to murder and theft (307/379/382). He has nowhere

viding a stock of medicines. The medicine section of Tuberculosis is separately managed, as the disease is on the rise throughout the country.

"We keep in mind the interest of the kids as to make them enter in different skilled



to go after release, because now he does not remember his parents, neither his house nor the village he belongs to.

Our system does not provide any sort of assistance or guidance to such runaways; their future seems to be as dark as the barracks of prison. According to a recent study, around 7000 kids are drooping in a life of eventlessness in 86 jails across the country. Convention on the Rights of Children (CRC) imposes on states a clear obligation with respect to the administration of Juvenile Justice and the treatment of children in custody; these obligations are based on rights that children should enjoy as human beings. The CRC is complemented by relevant international standards such as Beijing Rules, The Riyadh Guidelines and the rules for the protection of juveniles, deprived of their liberty.

Late one afternoon, a disgusting scene greeted us. It was five in the evening, and some 20 to 25 children were sitting on the floor after their return from trial courts. Jail faculty checked their pockets and mouths, for any harmful belongings that may accompany them. One of the officials informed that some of these children get seriously ill after coming back to premises. Their friends outside make them swallow hazardous drugs like *charas*, cigarettes and *niswar*, that are packed in polythenes. When they come back to the jail, they vomit out those polythenes carrying the drugs, and share the spoils among themselves.

The health department deputes a permanent doctor at the premises. The government and

programmes such as electric works, embroidery, sewing, religious education etc," said a high grade officer. A matric school in the prison is affiliated with Sindh Board. Are these programmes enough to help the children find solutions to their health, financial, educational, legal and emotional problems to take control of their lives and leave the streets?

The state has a responsibility to protect children in custody. The state officials are accountable for the way they treat children in their care and control. Our Ministers, instead of spending most of their time in attending inaugural sessions, must look into the problems of youth and endorse a countrywide plan to provide training to judges, lawyers, social workers and law enforcement officials on the rights of the child. Children should be separated from adult prisoners, as this would not be in the best interests of the child.

In any judicial or administrative proceedings affecting them, children have the right to have their own views, which should be taken seriously. They should be informed about their fundamental rights and legal safeguards. Every child has the right to challenge his or her detention before a court, and to lodge complaints when their fundamental rights are violated, including in cases of ill treatment and sexual abuse. The task is a daunting one for the government, and the commitments contained in CRC document represent an enormous challenge, requiring a combination of legal, economic and social