**Juvenile Justice**

[Sarmad Ali](https://dailytimes.com.pk/writer/sarmad-ali/)

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In response to the 2017 Universal Periodic Review (UPR) the Juvenile Justice System Act 2018 (JJSA 2018) was enacted and promulgated on 18th May 2018 in Pakistan to safeguard the best interest of children in conflict with the law. The preamble of the said Act children in conflict with the law to be socially integrated.

Despite its promulgation in 2018, it has not been implemented in its letter and spirit across Pakistan because children who are said to have infringed any penal law have been subjected to torture and denied rights enshrined in the law i.e., JJSA 2018. Before this Pakistan had introduced Juvenile Justice Ordinance 2000. It was the very first ordinance of this kind in the codified form to handle matters of children in conflict with the law. The Ordinance 2000 was enacted in Pakistan to fulfil international obligations arising under international law i.e., the United Nations Convention on the Rights of Child and General Comment No. 24. Despite its introduction children in conflict with the law had been sent to the gallows and/or mass incarceration or killed extra-judicially in the name of maintaining law and order in the country.

The Ordinance 2000 was enacted in Pakistan to fulfil international obligations arising under international law.

Akin to the above when the JJSA 2018 was introduced the decision-making corners and stakeholders at higher levels believed that children who come in trouble with the law would not be subjected to inhumane punishment and would also receive a fair trial for establishing their innocence separately from adults. Under the Act 2018, children are supposed to receive free legal assistance during the pendency of the judicial procedures at the expense of the State despite this provision no fund has been introduced at the State level for children in conflict with the law who have no resources to engage any legal practitioner for their judicial matters. Moreover, as stated earlier the JJSA 2018 was enacted to ensure that children in conflict with the law integrate socially meaning that children would be treated as individuals having no propensity to commit any violation of the law thus, imposing no penal sanctions at all. In the opinion of the writer, the uttermost purpose of the introduction of the JJSA 2018 was to rehabilitate children facing judicial actions to make them socially responsible, however, this purpose has not been fulfilled instead children are put to prison along with adult inmates in a same cell lacking privacy which leads to sexual abuse. Across Pakistan, there are 106 prisons of which 45 are in Punjab province– where there is no specific detention centre for children by virtue of section 2 of the JJSA 2018. It is rightly said that “Prison is a university of crime” children in conflict with the law across Pakistan particularly those who’re facing penal sanctions becoming notorious and stigmatized. Under the JJSA 2018, the government had to establish observation homes and correctional homes specifically for children in conflict with the law and they have not been established across Pakistan.

Furthermore, the Act 2018 provided major and minor violations of law by children to be settled through diversion i.e., restorative justice which meant children should not be given penal sanctions but instead receive reprimands, community service, written or oral apologies, etc. The process of diversion under the JJSA 2018 is to be practised not by courts but instead by the juvenile justice committee at the district level having the judicial magistrate as its head. Almost five-and-a-half years have passed such kinds of committees across Pakistan have not been established nor have rules of business under the JJSA 2018. Children said to have infringed minor and major violations of penal law i.e., rash driving, theft, kite flying, loudspeaker violations, etc., facing penal sanctions making no opportunity for them to rehabilitate and correct themselves through diversion.

In culmination, the writer submits that children in conflict with the law even every child across Pakistan to be protected in line with UNCRC which Pakistan had adopted in 1990 whereby it introduced Ordinance 2000 for children in conflict with the law. Moreover, it is said that procedure for age determination to be adopted scientifically to make all individuals who claimed to be minors (juveniles) at the time of alleged violation be recorded in investigation files and judicial procedures to debar them from going to gallows and mass incarceration without the prospect of parole and/or discharge from the prison. Juveniles put to prison across Pakistan and elsewhere be rehabilitated to give them the opportunity to become socially responsible with a view of integrating into society.

*The writer is an advocate based in Lahore and a director of Legal Awareness Watch Pakistan (LAW).*