Needs Assessment Report
Juvenile Detention Facilities

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Executive Summary

In the later part of 2012, Sanjog and Acting for Life conducted the Juvenile Justice Training Needs Assessment Survey of stakeholders to identify challenges and training needs facing the Juvenile detention facility staff, in addressing juvenile detention care and protection issues, to provide relevant information to Acting For Life for future initiatives and for designing effective training workshops. The information may also be used to further develop the new, proactive, evidence-based, youth-focused policing strategy that raises Juvenile Justice issues to new priority levels in Juvenile detention facilities, reduces juvenile disorder and criminal behaviour, decreases youth victimization, and increases community wellness.

There were 28 responses to this survey from participants representing all stakeholders including juveniles, parents, lawyers, NGOs and the staff of juvenile detention facilities from Lahore & Karachi. The Juvenile Justice Needs Assessment Survey revealed various challenges that the stakeholders face within their domain and the broader juvenile justice system, which are barriers to effectively addressing juvenile crime, delinquency and victimization.

For instance, the survey revealed that the primary reasons prohibiting juvenile detention facility staff in performing their services in line with the local and international instruments and best practices is the lack of training. In fact, most of the respondents were unaware of the laws and its recent changes governing the Juvenile Justice System in Pakistan. It is clear from the survey results, as well as the anecdotal evidence provided by survey participants, that the juvenile detention facility staff has a strong desire to improve how they address juvenile justice and youth issues, from the structure of their juvenile operations to the delivery of training.

Methodology
The survey instrument with 28 open-ended questions was used (Appendix I). The instrument gathered information regarding the basic information of the respondents, rules and regulations practiced and implemented, general living conditions inside the facilities, physical violence experienced by the juveniles, education and training received, work and physical labour, vocational training, health, hygiene and their efforts in reintegration to the society.

Results

The results of the survey affirmed that the Juvenile Justice system in Pakistan is far from the ideal situation provided by local laws like the Juvenile Justice System Ordinance 2000 (JJSO 2000) and the international instruments to which the country is a signatory.

The children were judged under the same criminal laws as adults, were awarded with hard sentences (even death sentence), usually shared overcrowded cells with adults, they were housed in dormitory-style barracks, were routinely subjected to physical torture, weren’t provided with education and training facilities, couldn’t access proper medical services, and were victims of hard disciplinary measures. The information received from the respondents can be summarized into the following basic areas of concern:

a) **Initial Arrest & Detention:** The respondents were unanimous in their responses regarding their initial contact with the law enforcing agencies. Their experiences reflected that the enforcing agencies do not follow a uniform approach towards the juvenile arrests and it differs from case to case. In most of the instances, the juveniles were at the mercy of the law enforcing agencies to be treated according to the time and place, the circumstances leading to the arrest and the official position and the capability of the officers making the arrest. The juveniles with some family support and guardianship were treated in a much more humane fashion as compared to the instances where the juveniles were at their own. Initially almost all of the arrested juveniles were placed in the same lockers and cells at the police stations that were used for the adults, without discrimination.

b) **Access to assistance:** The respondents deprived of liberty did not have the liberty to their right to prompt access to legal and other appropriate assistance. Upon the apprehension of the juveniles, her or his parents or guardian were not immediately notified of such apprehension nor were they furnished with such information as the time, date and name of the juvenile court before which the child shall be produced. They were also not provided with legal assistance at the expense of the State. During the phases of the proceedings of juvenile justice, from the moment of the arrest, or immediately after during custody, the minors were exposed to risks of torture and other forms of cruel, inhuman and degrading treatment. It is also at this stage that the minor was denied the presence of one of his parents, of a social worker or of a legal representative who would be better suited to provide protection against this type of action.

c) **Police custody and pre-trial detention**: The juvenile respondents usually remained in police stations without being brought before a judge well beyond the twenty-four hours permitted by law. The children often
spent as long as three months in police custody before they even saw a judge for the first time. The same procedural slowness exists once the juvenile offender has been officially charged and has to await the trial. Once charged, they typically spent more months, or even years, in custody, waiting for their cases to be concluded. The vast majority of the accused children were eventually found not guilty by the courts. Although the JJSO 2000 addresses the question of pre-trial detention in which the release on bail is provided when a child accused of a crime punishable with death has been detained awaiting trial for more than a year, when a child accused of an offence punishable with life imprisonment is held pending trial for more than six months, or, when a child accused of an offence other than the aforementioned ones is detained waiting his or her judgment for more than four months, but, regretfully, despite the existence of laws aiming at shortening the pre-trial phase, situation seems still to be critical.

d) **Condition of detention:** The juvenile offenders, once detained, were in the critical situation and were not being held in accordance with the international standards, namely concerning the fundamental principle of separation between adults and minors. Such separation is a fundamental condition to protect juveniles from torture and all other forms of inhuman and degrading treatments while in custody or in detention as no legal provision exists for separation during police custody. We do find local laws where the establishment of reformatories for boys under the age of 15 is authorised, but not required, by the Reformatory School Act, 1897. In Sindh and Punjab provinces, the creation of industrial schools for juvenile offenders, of remand homes and of borstal institutions is provided by laws dealing with juvenile justice. According to the Pakistan Prison Rules, children sentenced for three month or over are to be sent to borstals or reformatories, nonetheless, only three juvenile institutions seems to be available in Pakistan (one borstal in Bahawalpur, Punjab, one industrial school and one remand home both in Karachi, Sindh) and they are ruled like normal prisons. Many of the abuses prevalent in regular jails are replicated in these juvenile institutions. The Juvenile Justice System seems to have largely failed in establishing juveniles institutions provided in laws, therefore the majority of convicted or under-trial children are detained in common prisons. The juvenile faced a pattern of abuse beginning at the moment of arrest when they were held together with adults in police lock-ups. While in custody, children and adults were subjected to various forms of torture. While their trials were pending, children languished in overcrowded, often harsh detention facilities that offered few educational or recreational opportunities, and where there was a serious risk of sexual abuse by prison warders or adult inmates.

e) **Children’s Courts:** The child criminal cases were adjudicated in the same manner and by the same courts as those involving adult offenders. Therefore, children suffered from the vagaries of an overstressed and inefficient criminal justice system, with frequent and prolonged delays in their trial and appeals. Although the JJSO 2000, as well as some provincial laws, provide for the establishment of juvenile courts and that one or more juvenile courts should be established in every province, and that these courts have the exclusive jurisdiction to try cases in which a child is accused of the commission of an offence, but the information on the
establishment of these juvenile courts, the special judges and established procedures could not be attained by the respondents.

**Recommendations**

Considering the issues and challenges faced by the respondents in the survey, the following are recommended as separate initiatives to be undertaken to tackle these issues:

- The most fundamental and profound problem of the lack of awareness among all stakeholders of the Juvenile Justice system needs to be addressed immediately. There should be a major intervention designed to spread the awareness about the local and international laws governing the Juvenile Justice System.
- The authorities involved in the Juvenile Justice System need to be trained on the international best practices for handling and caring for the children in conflict with the law.
- The minimum age of criminal responsibility should be raised as high as possible and enforced in accordance with article 40 of the Convention.
- The practice of the *incommunicado* detention should be stopped and the guardians should be immediately informed about the arrest of the child. Also, there should be an immediate access to legal assistance for the juvenile offenders.
- The detention of juvenile offenders prior to trial should be avoided and should be limited to exceptional circumstances.
- Clear rules defining the pre-trial detention in concordance with the Convention should be introduced in the Juvenile Justice System ordinance.
- Extend the special proceeding measures provided by article 10 of the Juvenile Justice System ordinance to all the children by bringing the age limit up to 18 years;
- The necessary measures should be taken to effectively implement the legal provisions ruling the separation between adult and minor detainees, and between alleged and convicted detainees.
- Provide information on the juvenile courts, the special judges and special procedures that have been established to deal with juvenile offenders.
- Provide clear explanations on the judicial powers and role that the tribal courts and the anti-terrorism courts have, regarding children.
- Increase the involvement of police and jail officials in trainings aimed at raising awareness on the provisions included in the Convention.
Conclusion

The survey noted various challenges faced by the stakeholders within the juvenile justice system in which they work that affect their day to day juvenile operations. Whether it is lack of awareness of local and international laws and treaties, funding, manpower, resources, training, the stakeholders across the country identified a plethora of needs to improve their work involving youth.

Responses to this survey show the need for no-cost/low-cost juvenile justice training and technical assistance. The responses also highlight the weaknesses within most of the departments regarding juvenile justice policies and procedures, juvenile justice training provided and guidelines to responding to youth incidents. The open-ended responses show the frustration in barriers to managing these cases, as well as the desire for preventative programming, increased collaboration between agencies, and a better understanding of the juvenile justice system.

The need for training and technical assistance was a common thread throughout survey responses, as having more knowledgeable staff working with youth will provide more positive outcomes. There is also a need for increased positive interaction between youth and police, to increase potential for diversion, to refer at-risk youth to available preventative resources within the community, and to help define effective and positive juvenile justice policies and procedures that can be implemented by law enforcement.

The survey results show that the juvenile justice system stakeholders have the desire to improve their work with youth, and seek to effectively manage youth-involved cases, and ultimately strive to minimize juvenile crime, delinquency, and victimization. What they need now are continued support, pertinent training and useful tools and resources to ensure that the manpower dedicated to these issues is properly trained and prepared to bring more positive interventions with youth.
Appendix I: Survey Instrument

Juvenile Justice Training Needs Survey

Acting For Life and Sanjog have undertaken a comprehensive review of the Juvenile Justice Detention Facilities Staff’s basic understanding of the Local and International Laws governing the Juvenile Justice System in Pakistan.

As principal stakeholders and consumers of these courses, we would like your input as we prepare our strategic plan for future training courses that focus on training the Juvenile Detention Facilities Staff and spreading awareness to the stakeholders, professionals and youth.

Your answers to this short (20-minute) survey will inform our work and ensure that future training services provided by the LAP Juvenile Justice Training and Technical Assistance Project meet your needs and expectations.

Thank you!