

Pakistan: The unnecessary detention of children

No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.

Convention on the Rights of the Child, Article 37[b], ratified by Pakistan in 1990.

Of the approximately 4,500 children in Pakistan's prisons in June 2003 more than 3,000 of them had not been convicted of any crime. Despite conviction rates as low as 15-20%, juveniles, some as young as eight years old, who have been accused of a criminal offence may spend months or even years in jail waiting for their trial to begin or to conclude.

Pakistan ratified the UN Convention on the Rights of the Child in 1990 and introduced domestic measures, such as the Juvenile Justice Ordinance (JJO) of 2000, to protect the rights of children but a widespread lack of awareness and poor implementation on the part of the police and judiciary means that the rights of children accused of crimes are often overlooked.

Children who are arrested for minor crimes may be released on bail by the police but they seldom are. The JJO requires that courts release children who are accused of minor offences on bail even without a bond and those accused of serious crimes, including murder, may be bailed if they have spent a long time in prison before being convicted. According to Pakistani law, the granting of bail to juveniles should only be withheld if release would put the child or the community at risk, or if the child is involved in something which the court considers particularly serious, brutal or offensive. Despite this, for the vast majority of juvenile detainees, bail is not available in any real sense.

Bail is often not offered by the courts to many juveniles who are entitled to it and when bail is given, a bond may be set as high as 40,000 to 50,000 rupees (the equivalent in real terms of around US\$ 2500) even for minor offences. In Pakistan, the average wages of a labourer is about 100 rupees per day. Children who are forced to remain in prison because the bail bond is so high that their relatives are unable to pay, are not in jail because they are at risk or regarded as a danger to themselves or others but simply because they are poor.

Some magistrates and judges now release children on the personal bond of their family or lawyer with a condition that the juvenile must undergo some form of rehabilitation, but unfortunately such decisions are not typical.

Take action!

Please support Amnesty International's campaign to prevent the unnecessary imprisonment of children in Pakistan.

Write to the ministers who have responsibility for the law in each of the four Pakistani provinces and lobby them to ensure that bail is made available to all juveniles who are entitled to it.

You can copy and paste the text of the sample letter below and send this to the officials listed below or you can compose your own letter to send.

[SAMPLE LETTER]

Dear

I am deeply concerned about reports that the vast majority of children who are held in prisons in Pakistan have not been convicted of any offence and that juveniles often spend months or years in prison either awaiting or undergoing trial.



Juveniles waiting to be returned to their barracks in Faisalabad Borstal, July 2003.

© AI

I urge you to ensure that the police and the judiciary in your province make bail genuinely available to all children who are entitled to it under the provisions of the Juvenile Justice Ordinance [JJO] of July 2000;

I would point out that under Article 37[b] of the United Nations Convention on the Rights of Child, ratified by Pakistan in 1990, juveniles should not be deprived of their liberty unlawfully or arbitrarily and the imprisonment of a child should be used only as a last resort and for the shortest possible time;

I understand that some magistrates and judges now release children on the personal bond of their family and on condition that the child must have proper access to education and rehabilitation. These good practices must be encouraged throughout the judiciary.

Please do everything in your power to prevent the unnecessary imprisonment of juveniles.

Yours sincerely

[TARGET]

Appeals to:

Brig. Ijaz Ahmad Shah
Home Minister of Punjab
The Home Secretary's Office
Punjab Civil Secretariat
Lahore
Punjab, Pakistan
Fax: 0092 42 9211732

Mr. Akram Khan Durrani
Chief Minister of North West Frontier Province
NWFP Provincial Assembly
Peshawar
NWFP
Pakistan
Fax: 0092 91 9210409

Mr Aftab Sheikh
Home Minister of Sindh
Office of the Home Minister
Sindh State Legislature
Karachi
Sindh, Pakistan
Fax: 0092 21 9204922

Mr Jan Mir Mohammad Yusuf
Chief Minister of Baluchistan
Chief Minister Office
Baluchistan Assembly
Quetta
Baluchistan, Pakistan
Fax: 0092 81 9201746/9202280