

Q Write a comprehensive note on the juvenile justice system of Pakistan. Suggest measures for the improvement of juvenile justice system of Pakistan.

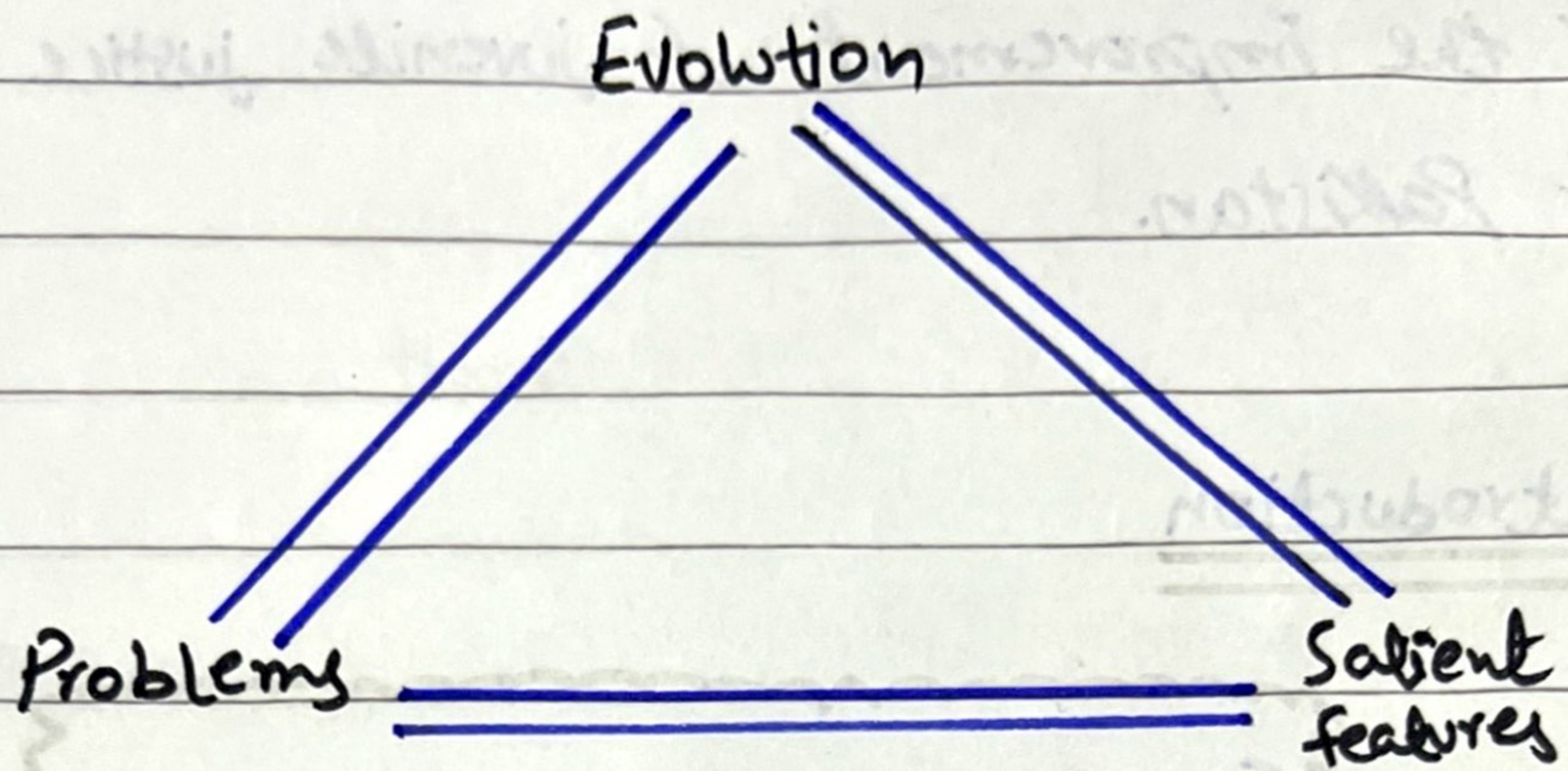
1) Introduction

For true justice a balance between equity and equality is needed

- Aristotle

This quote signifies the importance of equity in justice. The juvenile justice system of Pakistan works on the same principle of equity, due to the naive nature of young offenders. The juvenile justice system of Pakistan ^{has evolved into} ~~is divided in~~ legal frameworks. They consist ample amount of features that add value to the protection of juveniles. But, it also has ~~an~~ an abundance of problems that undermine its legitimacy. Hence, pragmatic measures, such as, effective enforcement, trained specialists, public-private partnership etc are a need of the hour.

2) Juvenile justice system of Pakistan comprehensive note



2.1) Evolution of juvenile justice system of Pakistan

Before the year 2000 Pakistan lacked any legal frameworks regarding juveniles. Which led to the exploitation of young offenders, who had yet to reach the legal age of criminal liability.

a) Juvenile justice system ordinance 2000: The march towards progress

In the year 2000 Pakistan ~~also~~ adopted the first legal framework regarding juveniles.

It granted protection, set a legal age of criminal charge, prevented death sentence for underage offenders.

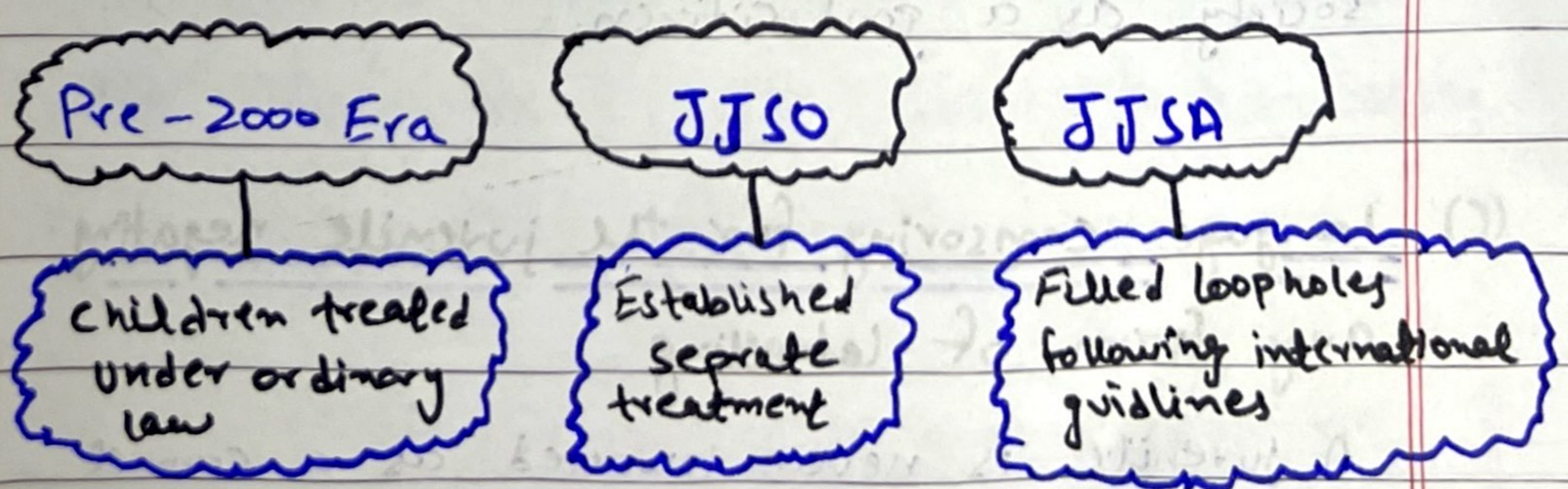
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Juvenile justice system ordinance
~~surely~~ contained alot of loopholes
but it was still the first march
towards progress for the right of
juveniles

— SSP Hamid Ullah,

- b) Juvenile justice system act 2018 : Covering
the loopholes incorporating international standards
Juvenile justice system act was incorporated
in 2018, to improve the efficiency of the
system. It revolved around international
guidelines, such as, UN convention on the rights
of the children 1989 and Beijing rules 1985,
to be more effective.



Description: The following flow-chart shows
the evolution and features of legal frameworks.

2.2) Salient features of the juvenile justice system of Pakistan

(a) Defining a juvenile clearly

The JJSA (2018) clearly defines a juvenile.

This alleviates any form of doubt regarding a juvenile.

Examples:-

Section 2(b) of JJSA defines a juvenile as any person who has yet to reach the age of 18

(b) Promotes restoration over punishment

The court act on the principle of Parents Patrie for the child. Hence, the main aim is to restore the juvenile back into the society as a good citizen.

(c) Language censoring for the juvenile negating any form of labelling

A juvenile is never labelled as a convict even if charged. This is done to prevent secondary deviance if the child is introduced

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back into the society.

Example:-

Labelling theory states a person becomes, what he is ^{label} with. The juvenile justice system prevents this label for proper restoration.

(d) Separate detention centers to prevent interaction with criminals in jail

If a juvenile is convicted he is not sent to jail. He is sent to the detention centers, where they are rehabilitated, educated, and taught skills.

Example:-

This is done in the light of theory of differential association. In jail a child or juvenile would have negative peer affiliation, which could make them more prone to crime in future.

(e) Ball right to every children except for heinous crimes

A juvenile has the right to receive bail

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in all the offences. Except for murder, rape and other heinous crimes. Section 6 of JJSA 2018 grants this privilege.

~~2.3)~~ Problems with the juvenile justice system of Pakistan

~~2.3)~~ Suggestive measures for the improvement of juvenile justice system of Pakistan

2.3) Problems with the juvenile justice system of Pakistan

(a) Lack of proper trained professionals

There is a shortage of trained professionals who know the proper way of dealing with juvenile offenders. This paves a way to the exploitation of juveniles.

Lack of trained professionals dealing with juvenile offenders is the worst form of human rights violation

Sakib Ali Sher,
Justice denied

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(b) Police brutality contributing to development of violent behaviour in juveniles later on

Due to weak check and balance juveniles are subjected to police brutality. This eradicates trust in law enforcement agencies and develop aggressive traits in the juvenile.

Children who experience violence are themselves at risk of becoming violent

- WHO, 2022

(c) Low juvenile detention centers adjusting juvenile in prison: tying the cattle with wolfs

Pakistan due to economic strain, could not afford to build alot of juvenile detention centers. Due to this juveniles have to be adjusted in jails, violating the provisions of JJSA 2018.

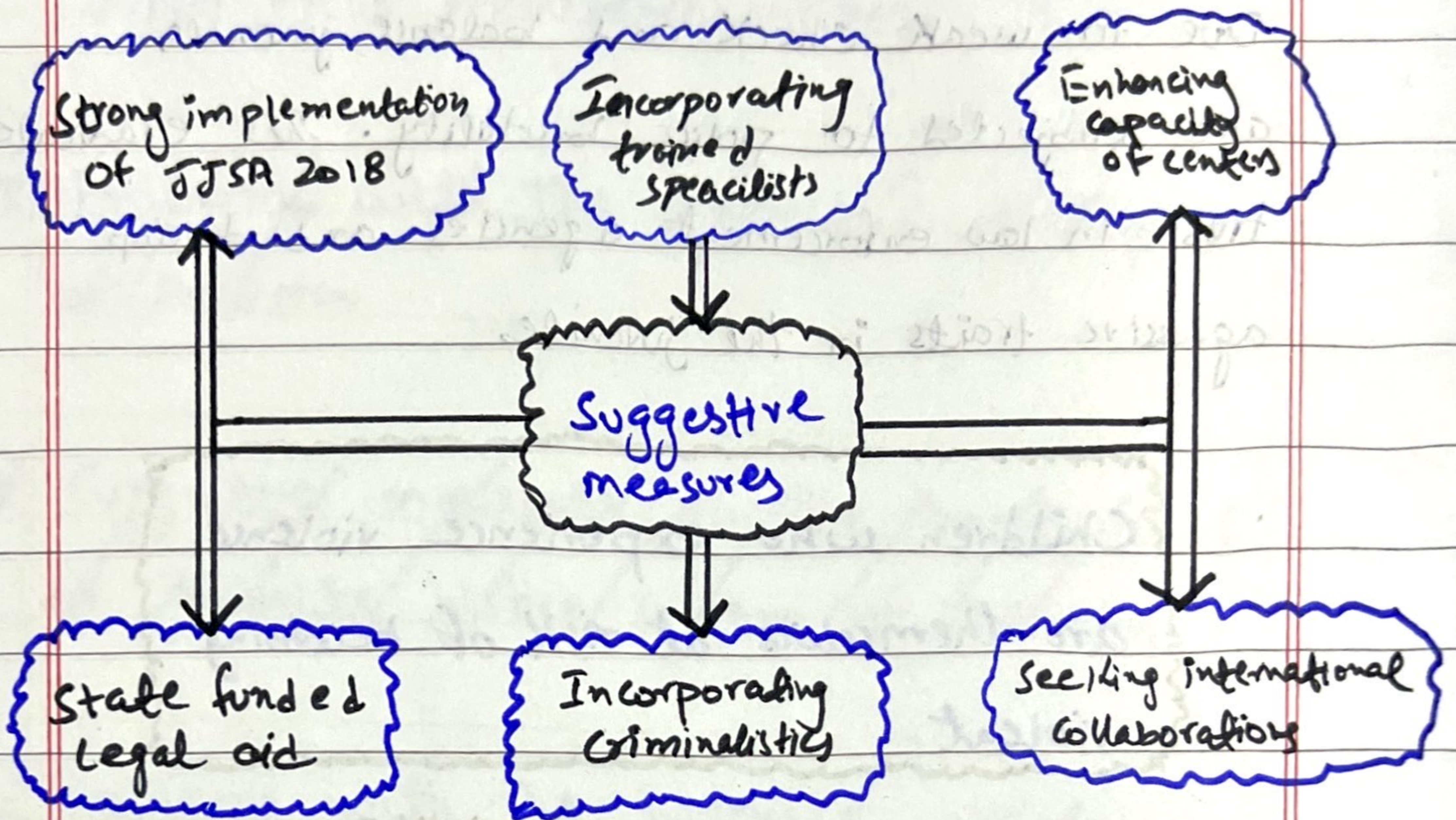
1200 juveniles are currently in prisons due to lack of detention centers in rural areas

- SPARC, 2023

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3) Suggestive measures for the improvement of juvenile justice system of Pakistan



3.1) Strong implementation of JJSA 2018 to ensure justice

There is a need for proper implementation of JJSA 2018, which could change the trajectory of the status of juveniles in Pakistan.

Strong implementation of JJSA 2018 in its true letter and spirit could uplift the status of juveniles in Pakistan

- Ahmed Kirmani, the way forward

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3.2) Incorporation of trained professionals the antidote for juvenile exploitation

Police and the judiciary should broaden their recruitment, hiring trained professional, who know how to properly handle juveniles.

^{in juvenile justice system}
Lack of trained specialist [↑] undermines
the doctrine of *parens patriae*

- Syed Irfaan Raza,
the flawed system

3.3) Enhance capacity of detention and rehabilitation centers for proper adjustment of juveniles

The government should enhance the capacity of correction institutes to adjust the juveniles.

This would provide greater protection to the juvenile offenders for their reintegration.

20,000 children come into conflict
with law annually making capacity
building a need of the hour

- SPARC, 2023

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3.4) State funded legal aid to ensure representation of every juvenile

The state should aid juveniles to secure legal representation free of cost. This would ensure their legal rights are preserved.

Example:-

According to world Bank report 2023, 41% of theft crimes committed by Children ~~due~~ is due to economic strain. Which means they would lack the finances to pay a lawyer to represent them. Hence, state funded legal aid is a necessity.

3.5) Incorporate criminalistics to understand causes of crime and eradicating the root cause

Criminalistics should be used to understand the main factors that shape crime. When the root cause such as broken homes etc are recognized, they should try to eliminate those.

65% of the juvenile offenders in Lahore belonged to broken families

-Pakistan journal of social Sciences, 2022

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3.6) Imitate the developed countries and seek international partnership to improve the juvenile justice system

There is a dire need to incorporate the models used in developed countries, which emphasize on reintegration, training etc. Along with that international collaboration with UNODC, UNICEF are needed for testing solutions.

Pakistan must commence with international collaborations to mitigate the prevalent problems with its justice system

- Ahmad Khakan, a shoulder to lean on

4) Conclusion :

To conclude, the juvenile justice system of Pakistan has evolved, carrying significant features which contribute to its legitimacy. But on the flip side it has a lot of problems such as lack of trained specialists, lack of rehabilitation centers and police brutality. Viable solutions such as, using criminalistics, funded legal aid etc. All can contribute to help it reach at its peak.