



**Legal Aid Office**  
Committee for the Welfare of Prisoners



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Justice Nasir Aslam Zahid with Inspector General of Sindh Prisons, Mr. Nusrat Hussain Mangan

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**Authors:**  
**Ms. Hira Saleem**  
**Ms. Menaal Munshey**



## 2. ABBREVIATIONS

CJS	Criminal Justice System
CrPC 1898	Pakistan Criminal Procedure Code 1898
CRM	Customer Relation Management Software
CNS 1997	Control of Narcotic Substances Act 1997
CVE	Countering Violent Extremism
DLEC	District Legal Empowerment Committees
ELC	Early Learning Centre
FGDs	Focus Group Discussions
JJSO 2000	Juvenile Justice System Ordinance 2000
KPK	Khyber Pakhtunkhwa
LAO	Legal Aid Office
POO 1960	Probation of Offenders Ordinance 1960
POR 1961	Probation of Offenders Rules 1961
PPC 1860	Pakistan Penal Code 1860
PPR 1978	Pakistan Prison Rules 1978
SAA 2013	Sindh Arms Act 2013
TRC	Teachers' Resource Centre
UTPs	Under Trial Prisoners
PWA 2006	Protection of Women (Criminal Laws Amendment) Act 2006
YOIS	Youthful Offenders Industrial School

# 3. EXECUTIVE SUMMARY

This report aims to assess the impact of the Legal Aid Office's activities from May 2013 to February 2016. The LAO was set up in 2004 by Justice Nasir Aslam Zahid, as a project of the Committee for the Welfare of Prisoners. The LAO has 6 offices and 38 lawyers present in Sindh, who provide legal representation to underprivileged prisoners in Sindh. The LAO's work aims to improve access to justice and is built on the belief that legal aid is a fundamental right.

To assess the project's impact, a mixed method approach was used. This included interviews, documentary analysis and focus group discussions, with a sample consisting of major stakeholders in the criminal justice system, including under trial prisoners, prison officials, judges and lawyers. Over the 33-month period under analysis, the LAO engaged with 7,322 under trial prisoners, out of which 88% were adult males. The LAO received 215 cases per month on an average and facilitated a resolution of 2,293 cases in total, of which 54% have been in favor of the defendant. A further 46 probation orders were obtained indicating emphasis on alternatives to custodial sentencing. 3,333 bail applications were filed by the LAO, and 796 defendants were released on bail indicating efforts at decongesting prisons. The LAO aims to reduce client exposure time in prison and emphasizes the need for non-custodial sentences. Data shows that through its litigation activities the LAO has saved over 16,735 years of prison time during this period for its clients.

The LAO's records provide insight into prisoner demographics. Data from interviews with 9,579 under trial prisoners shows that 54.8% of UTPs are between the ages of 19-30, 51.6% originated from cities outside Karachi, 53% earned between Rs. 5-10,000 per month, and 56% worked as laborers. Interviewees were unwilling to disclose their drug usage, political affiliations, and religious denomination, indicating the fear they live with in prison. 72% of interviewees requested legal aid, which the LAO is in the process of providing. Results of a baseline study assessing the impact of the LAO's legal representation shows that compared to under trial prisoners who have engaged private lawyers, the LAO clients are satisfied with the quality of representation they receive and with the LAO's services.

In addition to this, the LAO engages in policy-relevant research, which informs the LAO's vocational and education activities. The LAO provides vocational

training in the form of stitching classes to adult female prisoners in Karachi, which has assisted in reducing stress levels, and provides an opportunity for future income for the 100 women who have been engaged in the program since 2004. The LAO's research aims to build an evidence base for policy reform. The LAO has produced annual reports on the criminal justice system, engaged in prisoner profiling, and conducted specific gap analyses. Based on in-house research and lobbying efforts, The LAO has recently established a one of a kind Early Learning Centre in Karachi Women's Prison, which provides education to children residing with their mothers. The centre is a robust example of the outcomes that are possible when communities and government collaborate to make positive change, and exemplifies the impact the LAO seeks to achieve through its litigation, research, and outreach activities.



## 4. INTRODUCTION

In 2004, the Government of Sindh established the Committee for the Welfare of Women’s Prisoners<sup>1</sup>, under the chairmanship of Justice Nasir Aslam Zahid<sup>2</sup>, to provide legal assistance to underprivileged adult female and juvenile under trial prisoners (UTPs). The Legal Aid Office (LAO) is a subsidiary of the Committee and implements this mandate. In 2011, reflecting the success of the operation, its mandate was expanded to cater to adult male prison facilities across the province. Thus, the Committee was renamed as the Committee for the Welfare of Prisoners<sup>3</sup>. The LAO provides legal representation to underprivileged prisoners accused of criminal offences through the operation of 6 offices<sup>4</sup> as shown in Figure 1.1.

### Legal Aid Office Presence in Sindh

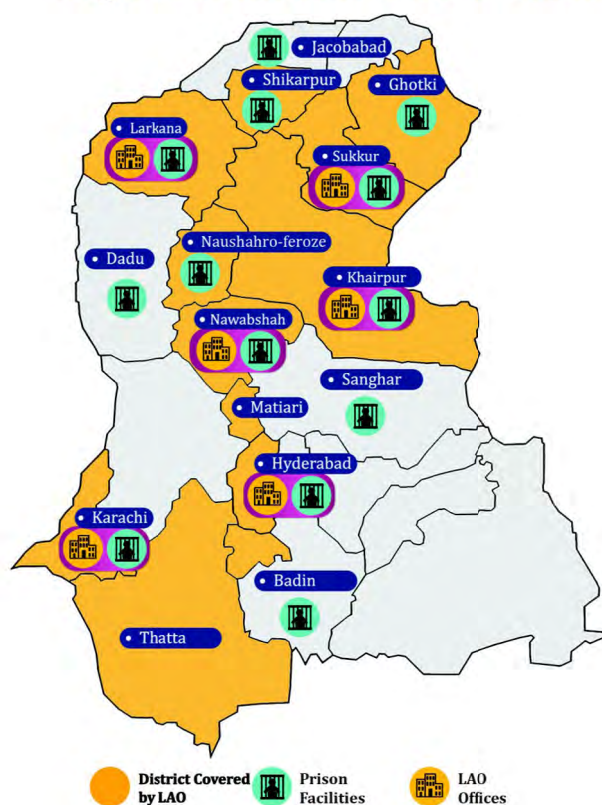


Figure 1.1: The Geographic Presence in Sindh

<sup>1</sup>Notification no. GS/20-80/2003 (SO-II)/09

<sup>2</sup>Justice Nasir Aslam Zahid served as Chief Justice of Sindh from 1992 till 1994 and was later elevated as a Supreme Court Judge in 1996. He retired in 2000 after refusing to take oath of office under Presidential Order No. 1 of 2000.

<sup>3</sup>Notification no. SO (Prison-I)/HD/11-27/10

<sup>4</sup>Offices include the Head Office in Karachi and regional offices in Hyderabad, Sukkur, Larkana, Khairpur and Nawabshah.

<sup>5</sup>Under the Legal Practitioner Bar Council Act of 1972, the concept of providing free legal aid has been stated to be a function of the Pakistan Bar Council. In 2009, the Public Defenders and Legal Aid Office Ordinance (“PDLAO”) was promulgated calling for the creation of a chief public defenders-defenders’ office. This has now lapsed, and was never implemented.

<sup>6</sup>Those offenders who are not convicted to life imprisonment or the death penalty.

<sup>7</sup>Central Prison Karachi, Malir District Prison Karachi, YOIS Karachi, Women’s Prison Karachi, Central Prison Hyderabad, District Prison Nara Hyderabad, YOIS Hyderabad, Women’s Prison Hyderabad, Central Prison Sukkur, YOIS Sukkur, Women’s Prison Sukkur, District Prison Shikarpur, District Prison Ghotki, Central Prison Larkana, YOIS Larkana, Women’s Prison Larkana, Central Prison Khairpur, District Prison Nawabshah and District Prison Naushahro-feroze.

The LAO’s efforts are based on a belief that legal aid is a fundamental right. Despite statutory requirements for legal aid<sup>5</sup>, there is a lack of availability of public defenders. As the only large-scale provider of legal aid in Sindh, the LAO fills this gap.

This report aims to assess the impact of the LAO’s activities for the period of May 2013 to February 2016. As Figure 1.2 shows, the LAO’s functions are divided into litigation, research, and vocational and educational activities. During this 33-month period, legal services have been provided to petty offenders<sup>6</sup> incarcerated in nineteen prison facilities<sup>7</sup> across the province, and in one Remand Home in Karachi.



Figure 1.2: The LAO’s program portfolio

The LAO provides legal assistance with the objective of improving access to justice for the disadvantaged and marginalized. The aim is to reduce the amount of time that a defendant spends in prison while under trial, with a view to forging an effective mechanism for countering violent extremism (CVE).



# 5. METHODOLOGY

The LAO's research think-tank benefits from the vast data available to it and engages in policy-relevant research aimed at improving the Criminal Justice System (CJS) in Sindh. This research informs the LAO's interventions and programmatic activities.

Based on the research, the LAO has recently established a one of a kind Early Learning Centre (ELC) in Women's Prison Karachi, which provides education to children residing with their mothers. In addition to this, the LAO provides vocational training in prison in the form of stitching classes in Women's Prison, Karachi.

## Methodology

The research aim of this report is to assess the impact of the LAO's activities from May 2013 to February 2016. The research questions are:

1. Are the LAO advocates providing quality legal representation in Sindh<sup>8</sup>?
2. What impact have vocational training and education activities, i.e. the ELC and stitching classes, had on inmates and resident children?
3. What is the profile and experience of prisoners in Sindh?

To address these research questions, the LAO used a mixed method approach consisting of observation, qualitative semi-structured interviews, documentary analysis, surveys and focus group discussions (FGDs). Surveys and interview forms were generated after a consultative process with the program team of the LAO and were conducted between the period of 2013 and 2015.

Data collection was conducted between November 2013 and February 2016, based on different deliverables of the project period. To address the first question, surveys of judges, prosecutors, investigation officers and UTPs were conducted. In addition, interviews with UTPs (who were the LAO clients) and superintendents, and FGDs with UTPs (who were the LAO clients) were conducted. To address the second question, the feedback and observations provided by a pediatrician and psychologist during their respective visits to the children were used. In addition, interviews were conducted with students of the stitching class and with their teacher. To address the third question, surveys and interviews of UTPs were conducted.

### a) Tools

Tools used included surveys, FGDs, documentary analysis and interviews. These aimed at systematically answering the research questions and included:

#### Surveys

Baseline Survey (Annexure A): The LAO conducted survey of UTPs in three prison facilities of Karachi, which were Central Prison, Youthful Offenders Industrial School (YOIS) and Women's Prison. The aim was to draw a comparison between the legal representation provided to the LAO and non-LAO clients. Research Associates conducted these surveys verbally in the concerned prison facilities. The sample size was convenience based as participants were selected by the prison staff on the basis of availability. In total, 963 UTPs were engaged including 840 in Central Prison Karachi, 24 in Women's Prison Karachi, and 99 in YOIS Karachi. This sample size constitutes 3% of those provided legal assistance by the LAO.

Advocate Performance Survey (Annexure B): The survey aimed at gauging advocate performance including whether an introduction about the LAO was given at the initial level, awareness on the legal proceedings of their concerned cases was provided to the beneficiary and to gauge client satisfaction.<sup>9</sup> 25% of each advocate's client list was randomly selected and involved in the Advocate Performance Questionnaires to monitor the quality of legal representation provided to LAO clients and other prisoners.

Profiling Survey (Annexure C): A survey was conducted as part of a profiling of UTPs. The data was collected from the legal aid clinics i.e. prison visits<sup>10</sup>, conducted by

<sup>8</sup>The LAO's definition of 'quality legal representation' is obtained from Chapter 12 of the Legal Representation and Bar Council Act 1973, which states the canons of professional conduct and etiquette of an advocate.

<sup>9</sup>Questions asked relate to the advocates asking money for the services, reason for delay in their case proceedings, has the advocate filed bail application and also if other miscellaneous applications were filed, if required and whether the LAO advocate is giving constant feedback of their case.

<sup>10</sup>Conducted between 8th May, 2013 and 14th February, 2016 during 2,942 legal aid clinics.



## 5. METHODOLOGY

advocates on a weekly basis. This has helped the LAO to analyze socio-demographic variables and trends generated by the interviews with prisoners. Till date,<sup>11</sup> 9,579 UTPs have been profiled. This is taken in a form of convenience sampling, as only those who are produced by the prison department to the concerned advocates are interviewed. This survey includes socio-demographic questions and those relating to income, and nature of the offence to assess whether legal aid is required.

Prison Conditions Survey (Annexure D): A survey was conducted to assess prison conditions. This focused on eleven categories<sup>12</sup> of the prison conditions according to the Pakistan Prison Rules 1978 (PPR 1978) and Nelson Mandela Rules 2015<sup>13</sup>. This survey was carried out verbally by the LAO research team and advocates. The sample included mid-level prison officers and 77 LAO clients chosen on the basis of convenience. This has helped to monitor the quality of life of UTPs and prevalent prison conditions in Sindh.

Criminal Justice System Survey (Annexure E): During 2014, 50 judges, 50 prosecutors, and 50 investigating officers were interviewed and asked questions relating to the CJS, highlighting the problems that UTPs faced from their first encounter with the formal CJS till the end of the trial. In addition, 100 UTPs were surveyed. The sample of prisoners was determined on the basis of convenience. All the UTPs interviewed were clients of the LAO and included adult males, adult females and juvenile prisoners. The format of the interviews was semi-structured, and the sample was formed according to the ratio of the cases the LAO was involved in in the region versus the entire litigation base. However, it should be noted that the state actors (judges, prosecutors, and investigating officers) were not necessarily involved in cases in which the LAO was engaged.

Focus Group Discussions (Annexure F): The purpose of this tool was to check and monitor the gaps in the provision of legal aid services to beneficiaries. UTPs were engaged in a group, between a minimum of 4 and maximum of 12 individuals and asked various questions such as their satisfaction with free legal services provided to them by the LAO, and their prison experience.

A research associate conducted the FGDs with participants who were randomly picked on the basis of availability. A total of 390 UTPs were involved in FGDs.

### *Interviews*

Prison Staff Interviews: Qualitative, semi-structured interviews were used to assess the satisfaction level of the prison staff concerning free legal aid services provided by the LAO, what is the feedback, its benefits and whether it is supportive or effective for the prison system. Superintendents of 19 prison facilities were interviewed by a research associate. Where a superintendent was unavailable, senior officers were interviewed. The interview helped the LAO quantify the interaction of the LAO with the prison staff and the overall view of the project seen by the prison department.

Assessment Interviews: The LAO provides vocational training in the form of stitching classes in Karachi Women's Prison. Interviews were conducted with 9 students of these stitching classes to assess the short and long-term benefits of the program. The sample size consists of 25% of the total students of the class and was based on random selection. The teacher was also interviewed to record her observations.

Documentary Analysis: A calculation of exposure time of the LAO clients has been made based on data from the LAO advocates reports. In order to calculate "Time Saved" and "Exposure Time", the LAO generated formulas on excel sheets that list all of the UTPs represented by the LAO; prisoners that have either been acquitted or convicted during the reporting period. Formulas generated include:

For Acquittals

(i) Time Period since Prison Admission (EXPOSURE TIME) = (Disposal Date) – (Prison Admission Date)

(ii) Time Period since the LAO Advocate Engaged = (Disposal Date) – (Case Assigning Date)

(iii) Time Saved since Prison Admission = (Maximum Penalty Provided by Legislation) – (Time Period since Prison Admission)

<sup>11</sup>As on 14<sup>th</sup> February, 2016.

<sup>12</sup>Separation of categories, accommodation, personal health and hygiene, clothing and bedding, instruments of restraint, religion and books, basic rights and principles, education facilities and recreation, management and staff, discipline and punishment & medical care.

<sup>13</sup>Also known as the United Nations' Standard Minimum Rules for the Treatment of Prisoners 1977.

# 5. METHODOLOGY

For Conviction

(i) Time Period since Prison Admission = (Disposal Date) – (Prison Admission Date)

(ii) Time Period since the LAO Advocate Engaged = (Disposal Date) – (Case Assigning Date)

(iii) Time Saved since the LAO Advocate Engaged = (Maximum Penalty Provided by Legislation) – (Total Conviction Sentence Awarded)

In addition, certified and attested copies of all judgments and orders are also analyzed for this purpose. The objective of this exercise is to assess the reduction of the exposure time of UTPs, which the LAO aims to do by providing them with free legal aid and adopting methods to fast track and expedite proceedings in courts.

## ***b) Research Ethics***

Permissions to conduct surveys and interviews were granted by the Prison Department and participants' involved in the same were guaranteed the confidentiality of their identities. Further, there was hesitation observed during questions asked from non-LAO clients in terms of answering key questions relating to their advocates. Also, FGDs were conducted in front of prison staff, hence, there was no concept of privacy while interviewing the LAO and non-LAO clients. It should also be noted that the answer of the LAO clients may be impacted as he or she was interviewed by an LAO employee. There is no presence of audio evidence of the surveys and interviews conducted because of security related restriction in prison facilities.

## ***c) Limitations***

During the research, the limitations faced were related to particular surveys. The delay was faced due to various reasons such as security, judges' visit in prison facilities and surprise inspections by the Superintendent of the concerned prison. Errors relating to differences in interpretation of questions may also be taken into account. Moreover, the answers given to questions pertaining to affiliation with religious or political groups, in the profiling tool, may not be correct due to threats from, or loyalty, to those groups, which again affects the validity of the research. As for the exposure time, the LAO has access only to the date of disposal as in the court orders and not to the actual date of release. Therefore, the calculation of the exposure time may vary from upto one day to one

week. The same provision applies in the event of conviction, as to when the actual sentencing is given or calculated. Measurement errors also need to be accounted for, such as the reluctance of the UTPs in answering certain personal questions, differences in the interpretation of questions among the interviewers and the UTPs and possibly data processing errors.



## 6. LITIGATION

LAO is active in nineteen prison facilities<sup>14</sup> and one Remand Home in Sindh. The LAO has been a pioneer in facilitating legal aid and representation to underprivileged prisoners in the province of Sindh. Since its commencement, the LAO has provided legal assistance, conducted policy-relevant research and provided vocational training and educational opportunities to inmates. The LAO's access to prisons in Sindh places it in a unique position to collect and analyze primary data, translate this in order to incorporate it into policy relevant research and further implement it into LAO's programmatic activities. The flagship program consists of providing legal representation to UTPs.

For the purpose of this report<sup>15</sup>, data collected during the 2,942 legal aid clinics conducted by the LAO will be used. The LAO has been successful in engaging 7,322 UTPs through its outreach. The day to day activities of the LAO advocate is to proceed with the roster given to them, i.e. an average of 40 criminal cases. A Customer Relation Management Software (CRM) has recently been developed<sup>16</sup>, which helped the LAO to improve its reporting systems whilst minimizing human error. The CRM further allows the monitoring team to closely supervise and monitor the progress of cases. This one of a kind reporting software helps the LAO generate automated reports detailing UTPs demographics i.e. gender, age, ethnicity, occupation prior to arrest, marital status, offence alleged to be committed and stage-wise progress of cases.

Legal Assistance Provided	Total Number of UTPs	Percentage
Adult Males	6,288	88%
Adult Females	113	1.6%
Juveniles	747	10.4%
<b>Total</b>	<b>7,148</b>	<b>100%</b>

Table 1.1: Breakdown of clients provided with legal assistance by the LAO from 8<sup>th</sup> March 2013 to 14<sup>th</sup> February 2016.

On average the LAO receives 207 new client briefs or cases every month and facilitates the resolution of 84 cases per month. During the reporting period, LAO has facilitated a resolution of a total of 2,293 cases out of which 54% have been in favor of the client that was being defended.

Details of Cases Resolved by the LAO	Total No. of Cases Resolved by the LAO	Percentage
By Way of Acquittal	1,239	54%
By Way of Conviction	1,008	44%
Probation Orders	46	2%
<b>Total</b>	<b>2,293</b>	<b>100%</b>

Table 1.2: The breakdown of the decisions of the 2,293 cases resolved by LAO from 8<sup>th</sup> May 2013 to 14<sup>th</sup> February 2016.

It should be noted that prisoners released on probation are those who are convicted of a crime and then are conditionally released. Probation orders are granted by the court where there is a possibility of a prisoner living a crime-free life and the LAO's efforts, especially in the cases of women and juveniles, is to plead for probation where a conviction is imminent.

“ The LAO has facilitated probation in 46 cases in the aforementioned reporting period and the emphasis continues on advocating for non-custodial diversion mechanisms and sentences to decongest prisons.

In 1,261 pending cases being represented by the LAO as of 14<sup>th</sup> February 2016, the majority of 35.9% were charges relating to the possession of illegal arms<sup>17</sup>. Where the LAO is representing petty offenders, efforts are made by advocates in expediting the release of the clients from their respective prisons. Thus, as part of the efforts, during the reporting period, the LAO has filed 3,333 bail

<sup>14</sup>The province of Sindh has 24 operational prison facilities as of 29<sup>th</sup> January, 2016 which include 4 female prisons and 4 juvenile facilities. It should be noted that at the time of writing this report 4 prison facilities (Mirpurkhas, Thatta, Nawabshah and Malir Karachi) are under construction.

<sup>15</sup>Data collected in 33 months from 8<sup>th</sup> May, 2013 to 14<sup>th</sup> February, 2016.

<sup>16</sup>Implemented as on 14<sup>th</sup> May, 2015 developed by the E-Team.

<sup>17</sup>Section 23-A, Sindh Arms Act 2013



## 6. LITIGATION

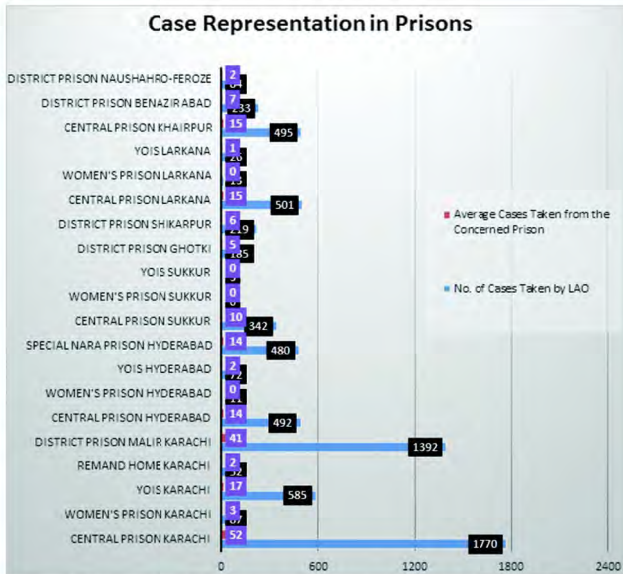


Figure 2.1: Details of the clients engaged by the LAO from each prison facility from 8<sup>th</sup> May 2013 to 14<sup>th</sup> February 2016.

applications and has successfully released 796 clients to reunite them with their loved ones and assist them to reintegrate with society. The LAO has also filed 206 surety reduction applications<sup>18</sup> as per section 498 Pakistan Criminal Procedure Code 1898 (CrPC 1898), in order to give a chance to these disadvantaged individuals to be able to pay the surety amount for bail.

### a. Reduction in Exposure Time of Beneficiaries

The objective of the LAO is to provide quality and speedy resolution of the cases assigned to it. Since the start of the reporting period, the LAO has been engaged in calculating the 'Exposure Time' of UTPs, which is the time that the UTP has been incarcerated for. Given the present conditions of prisons in Sindh, with limited rehabilitative and reformatory mechanisms and a short-sighted focus on retribution and reparation oriented goals and easy access to extremist elements and hardened criminals, exposure time merely adds to exacerbate the situation and vulnerability of first time/petty offenders.

#### i. Reduction in Exposure through Acquittal or Conviction

The following example explicates the calculation method for the exposure time. A UTP named Ahmed is charged with an offence of carrying an unlicensed weapon, under section 23-A Sindh Arms Act 2013 (SAA 2013), which



LAO Lawyers offering legal advice free of cost inside a Prison in Hyderabad.

prescribes a maximum punishment of 14 years imprisonment for the offence of possession of illegal weapon. On 1<sup>st</sup> January 2015, Ahmed's case was received by the LAO, and the case was later resolved by way of acquittal on 1<sup>st</sup> May 2015, which indicates that within a period of 4 months the case was resolved; hence the LAO has saved 13 years and 8 months by way of exposure time for Ahmed by deducting the time he spent in prison from the maximum penalty he may have received. A similar method is adopted for calculation of exposure time reductions for cases leading to conviction; however, in this scenario the sentence given to Ahmed, may be taken as 3 years imprisonment. Therefore, the exposure time would be 10 years and 8 months after the 3 years of imprisonment awarded to him are deducted from the maximum penalty prescribed by the statute<sup>20</sup>.

“ The result indicates that in the reporting period, the LAO has saved over 16,735 years, with a team of 38 lawyers representing the underprivileged UTPs languishing in nineteen prison facilities and one Remand Home.

<sup>18</sup>Between 8th May, 2013 till 14th February, 2016.

<sup>19</sup>8<sup>th</sup> May 2013

<sup>20</sup>The example above is a hypothetical situation to explain the methodology and assumption.



## 6. LITIGATION

Total Acquittal Cases	Exposure time of Acquittals		
	Years	Months	Days
1178	10599	65	116

Total Conviction Cases	Exposure time of Conviction		
	Years	Months	Days
1034	6136	71	148

Table 1.3: The details of exposure time saved by the LAO by way of case resolution from 8<sup>th</sup> May 2013 to 14<sup>th</sup> February 2016.

### ii. Reduction in Exposure through Bail Applications

The Karachi Bench of the Sindh High Court in 2009<sup>21</sup> has established that “...a long delay in conclusion of trial by itself, will be an abuse of the process of the Court as the fair and speedy trial is the fundamental right of the applicant and no one can be detained in Jail for an indefinite period.”

Despite this clear ruling, the prisons of Sindh are currently overcrowded with 15,827 UTPs<sup>22</sup> who are continuously waiting for the conclusion of their trial. It should be noted that the actual occupancy of the prison facilities across Sindh is 12,245 i.e. occupancy rate is 129%. With little or no hope for their future, these individuals are striving day and night in a hard and suffocating atmosphere inside the prisons. In cases concerning non-bailable offences, the general rule is that bail can be granted where the offence is punishable with less than ten years<sup>23</sup>. Nevertheless, the grant of bail for an individual is not an absolute right as established by the Supreme Court in the case of Muhammad Siddique vs. Imtiaz Begum<sup>24</sup>. In recent years, the right to bail being allowed has been highlighted insofar with the Karachi High Court stating that a “Delay in trial, particularly, when it amounted to abuse of process of law or of Court, had always been recognized as a ground for grant of bail”<sup>25</sup>. The Lahore High Court has further upheld

that where a year had passed in a trial without any conclusion it would amount to a punishment in advance without trial<sup>26</sup>.

During a period of 33 months,<sup>27</sup> the LAO advocates have expedited the process of releasing 796 UTPs from the prisons by filing a total of 3,333 bail applications before courts.

Bail Applications Filed	UTPs Released on Bail	Bail Applications Granted	Bail Applications Pending For Order	Bail Applications Rejected by Courts
3333	796	2053	1024	256

Table 1.4: The details of bail applications filed by the LAO from 8<sup>th</sup> May 2013 to 14<sup>th</sup> February 2016.

### iii. Reduction in Exposure through Probation and Parole

Probation and parole are such non-custodial sentences where convicted offenders delinquents are released on a conditional basis in order to assist them in pursuing a non-criminal life<sup>29</sup>. With its legislative footing in Good Conduct Prisoners Probational Release Act 1926, Good Conduct Prisoners Probational Release Rules 1927 and the Probation of Offenders Ordinance 1960 (POO 1960), Probation of Offenders Ordinance Rules 1961 (POR 1961) probation may be granted to eligible offenders by the Judicial Magistrate 1<sup>st</sup> Class, any other Magistrate specially empowered to this behalf, the Session Courts and the High Courts<sup>30</sup>. Parole, on the other hand, may be granted by the Provincial Government<sup>31</sup> and be recommended by the Assistant Director of the Reclamation and Probation Department after consulting the Superintendent of the respective prison<sup>32</sup>. Once released on probation, the concerned probation officer under the POO 1960 is to supervise, monitor and facilitate the rehabilitation of the offender once he/she is in the

<sup>21</sup>2009 YLR 1108, Ayaz Ali vs. The State; Before Farrukh Zia G. Shaikh, J

<sup>22</sup>Population Statement of Sindh Prisons as it stood on 29<sup>th</sup> January, 2016 according to the records received from the Office of the Inspector General of Sindh.

<sup>23</sup>Section 497, Code of Criminal Procedure 1898.

<sup>24</sup>2002 SCMR 442

<sup>25</sup>PLD 2008 Kar.177

<sup>26</sup>2010 YLR 2010, Rizwanullah vs. The State; Before Iqbal Hameed ur Rehman, J

<sup>27</sup>8<sup>th</sup> May 2013 to 14<sup>th</sup> February 2016

<sup>29</sup>The probation and parole system in Pakistan: Assessment and recommendations for reform. Available at: [http://www.penalreform.org/wp-content/uploads/2013/10/Pakistan\\_English-v3.pdf](http://www.penalreform.org/wp-content/uploads/2013/10/Pakistan_English-v3.pdf). Last accessed on 4<sup>th</sup> January, 2016.

<sup>30</sup>Please see: Section 3 of the Probation of Offenders Ordinance 1960

<sup>31</sup>Section 2 of the Good Conduct Prisoners Probational Release Act 1926.

<sup>32</sup>Please see: Section 4, 6 and 7 of the Good Conduct Prisoners Probational Release Rules 1927. In addition: 2010 P.Cr.L.J 164 and 2007 P Cr. L.J 306 provide insight into the probation system.



## 6. LITIGATION

community.

Under Section 5<sup>33</sup> of the POO 1960, leniency towards female offenders is observed as the probation laws are only inapplicable to them where the offence is punishable by death or life imprisonment. Whereas, for male offenders in addition to the offences punishable by death or life imprisonment, the probation law is not applicable to male offenders convicted of offences of heinous nature as described in the Pakistan Penal Code of 1860 (PPC 1860) under the following sections; harboring robbers or dacoits<sup>34</sup>, being a thug<sup>35</sup>, causing hurt by means of poison etc.<sup>36</sup>, with intent to commit an offence, kidnapping or abducting in order to murder<sup>37</sup> and more.

From the judgments of the courts, it can be inferred that probation and parole can be awarded to the deserving person, however, the courts will still keep the protection of the society in the highest priority. From an analysis of 32.6% of the probation orders granted in the LAO cases, it was observed that majority of the offences were under SAA 2013.

Each judgment highlighted the fact that the accused was a first time offender, belonged to an underprivileged family and had voluntarily pleaded his guilt. In an order for a UTP from Central Prison, Karachi the Judge Dr. Shabana Waheed added that probation is being granted in order for the accused to have an opportunity to become a useful and healthy citizen of the society and taking a lenient view in the interest of justice. In a different order for another UTP from Central Prison, Karachi, the Judge Alia Anwer simply handed over the custody to the concerned probation officer for a period of 2 years for the crime under section 23-A SAA 2013. In another order, the Judge filled the relevant annexure<sup>38</sup> under the law and mentioned the relevant details of the accused and sentenced him to a one-year probation period for the accused. In a different order, Judge Ghulam Mustafa Metlo mentioned that as the accused is not a hardened criminal he would be awarded a two-year probation period.

In the four judgments awarded to UTPs in Malir Prison, Karachi, all the offences were under section 23-A SAA.

More importantly, the Judge Sadar Asif in the three orders stated that the probation was granted to the accused as he had voluntarily admitted his guilt and was a first time offender. In the fourth judgment, Judge Haleem Ahmed noted the present condition of prisons and stated that probation would be more fruitful for the accused. Hence, he gave a probation order for 3 years.

In the five judgments concerning juveniles, one order was made under section 381-A of the PPC 1860, the other was made under sections 457 and 380 of the PPC 1860 whereas the remaining two were made under section 23-A SAA. It was observed that in two cases the judge was the same and allowed probation on the basis that the case fell within the ambit of the Juvenile Justice System Ordinance 2000 (JJSO 2000). In one of the judgments, Judge Hatim Aziz Solangi stated clearly that the career of the accused will not be affected by the probation.

From the interior office in Sukkur, the probation order of an offence under section 9-B of the Control of Narcotic Substances Act 1997 (CNS 1997) revealed that the probation was awarded on the basis that the accused had repented and reflected over his crime and as a result, the judge wished to provide him with another opportunity. In a separate detailed judgment by a Hyderabad judge, it was stated that the accused deserved a chance at rehabilitation and mentioned that the same could be achieved by placing accused persons on probations. More importantly, in this judgment the judge ordered the probation officer to keep a strict and vigilant check on his charge. From all the judgments observed, it can be inferred that in most of the cases, the judges mentioned that the accused is young, poor and a first time offender. However, in a few orders, especially ones where a juvenile accused was being convicted, the orders were more detailed with the age, locality, background and facts of the case analyzed a bit further. It was also observed that in the majority of the cases where the offence was charged under section 23-A SAA, the accused was given probation for a year although, in 3 cases, the accused was awarded a sentence for probation for 2 years.

<sup>33</sup>Section 5 of the Probation of Offenders Ordinance 1960

<sup>34</sup>Section 216-A of the Pakistan Penal Code of 1860.

<sup>35</sup>Section 311 of the Pakistan Penal Code of 1860.

<sup>36</sup>Section 328 of the Pakistan Penal Code of 1860.

<sup>37</sup>Section 346 of the Pakistan Penal Code of 1860.

<sup>38</sup>Form D, Rule 20 of POR 1961



## 7. RESEARCH

The LAO's research department engages in policy-relevant research aimed at analyzing and improving the CJS. The research is informed by primary data collected by the LAO and is aimed at developing an evidence base for policy reform. The major outputs are annual reports, prisoner profiling, and specific gap analyses.

### a. Annual Reports

Over the past two years, the LAO has developed two annual reports<sup>39</sup> with the objective of reviewing the state of prisons in Sindh and providing reform recommendations. These studies were based on an analysis of primary data collected from field visits including surveys and interviews with UTP's, prison officials, judges, prosecutors, and investigation officers.

In 2014, the LAO launched an annual report titled "Sindh Prison Reforms: Through the Lens of Legal Aid" that aimed at presenting an authentic description of prison conditions in Sindh.

The report was based on data collected during 1,031 prison visits by the LAO staff, during which 2,333 UTPs were engaged in surveys and interviews. This study highlighted the overcrowding, torture, abuse, corruption, and drug use that occurs inside prisons. The report put forward key recommendations such as the need to improve security and infrastructure in prisons, establish visitation guidelines for prisoner's families, provide legal aid to all prisoners, and create drug rehabilitation centers in prisons.



Picture of the First Annual Report launch ceremony on 7<sup>th</sup> May 2014.

The LAO's research showed the need for external oversight mechanisms in prisons to increase transparency and accountability, and the need to reform prison-related laws to bring them in line with current international standards. The report has provided an in-depth analysis of current prison conditions in Sindh in efforts to urge policy makers to push much-needed reforms.

In 2015, the LAO's annual report titled "Sindh Prisons: A Review of the Criminal Justice System"<sup>40</sup> presented a thorough review of a trial through criminal courts. It included empirical evidence collected through interviews and surveys with judges, prosecutors, investigation officers, and UTPs. The study's key findings were that procedural law regulating the CJS should be thoroughly revised to include ADR mechanisms, strengthen



From left to right: Mr. Justice Nasir Aslam Zahid, Mr Justice Faisal Arab, Mr. Nusrat Hussain Mangan (IG Sindh Prisons) and Mr. Akmal Waseem at Second Annual Report Launch Ceremony on 9<sup>th</sup> May 2015.

<sup>39</sup>Sindh Prison Reforms: Through the Lens of Legal Aid 2014 and Sindh Prisons: A Review of the Criminal Justice System 2015. These are available at [www.lao.org.pk](http://www.lao.org.pk)

<sup>40</sup>9<sup>th</sup> May 2015



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investigations, create a witness protection program<sup>41</sup>, and promote non-custodial sentences. Specifically, the Report recommended the setting up of forensic science laboratories in Sindh, sensitizing judges on issues relating to women, juveniles, and minority rights, monitoring the quality of legal representation through the Pakistan Bar Council. In addition, the LAO's research showed the need to amend bail provisions, establish a procedure for plea bargaining, and institute sentencing guidelines for the most heinous offences. The report launch ceremony held on 9th May 2015 was attended by key stakeholders of the CJS including the Chief Justice of Sindh Justice Faisal Arab, the Inspector General Sindh Prison Mr. Nusrat Hussain Mangan, the police leadership, and various district court judges.

## b. Profiling of Beneficiaries

In this section, the data tabulated from the interviews of the 9,579 UTPs<sup>42</sup> in the 19 prison facilities and 1 Remand Home accessed by the LAO in Sindh will be analyzed. The primary data will be scrutinized to examine the varying factors and backgrounds to ascertain the median characteristics of a UTP.

The data has been categorized into the varying factors of gender, age, ethnicity, occupation prior to arrest, income prior to incarceration, marital status, offence alleged to have committed, the requirement of legal assistance and drug usage, if any, prior to incarceration.

From 8th May 2013 to 14th February 2016, a total of 9,579 interviews were conducted. In Karachi<sup>43</sup>, a total of 5,007 interviews were conducted and in prisons in Hyderabad, Sukkur, Ghotki, Shikarpur, Larkana, Khairpur, Nawabshah and Naushahro-Feroze, a total of 4,572 interviews were conducted.

## Gender

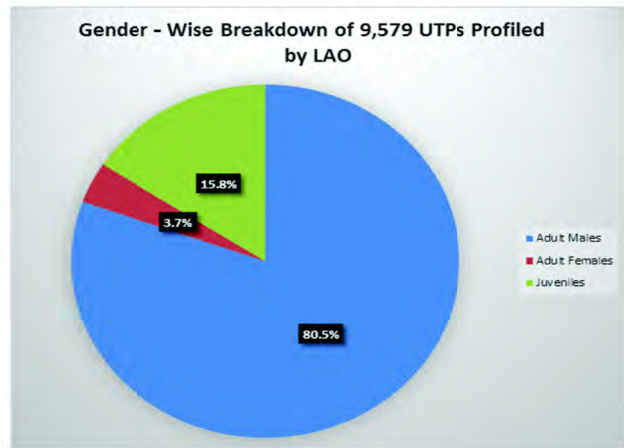


Figure 3.1: UTPs Gender-Wise Breakdown

“ The results of the profiling of the UTPs reveal that majority are adult males at 80.5% followed by juveniles at 15.8%. In comparison, only 3.7% of the total UTPs profiled were adult females. It is not surprising that the pool of adult males interviewed is substantially higher as 97.7% of the entire prison population comprises of adult males.

Whereas, juvenile and adult female prisoners comprise only of 1.4% and 0.9% respectively<sup>44</sup>.

The low ratio of adult females incarcerated in prisons is attributable in part due to leniency in the law and more offences categorized as bailable after the enactment of the Protection of Women Act, 2006 (PWA 2006). The PWA 2006 curbed the legal tyranny<sup>45</sup> caused by the Hudood Ordinance, in particularly the Zina Ordinance,<sup>46</sup> as the offence of rape was restored in the PPC<sup>47</sup> incidentally separating rape from extra-marital sex. This

<sup>41</sup>Sindh Witness Protection Act was passed in 2013. However, the same is not being followed.

<sup>42</sup>Including adult-males, females and juveniles.

<sup>43</sup>Four prison facilities comprising of Central Prison, Malir District Prison, YOIS and Women Prison including one Remand Home were visited.

<sup>44</sup>29th January, 2016

<sup>45</sup>Abuse of the legal lacunas in the evidentiary requirements under the Hudood Ordinance of 1979 had resulted in the conviction of countless women for unlawful sexual intercourse.

<sup>46</sup>Anita M. Weiss, “Interpreting Islam, Modernity, and Women’s Rights in Pakistan”(2014) p. 85 [Online] Available at: [https://books.google.com.pk/books?id=XRpHBQAAQBAJ&pg=PA84&dq=hudood+ordinance+and+women+protection+act+pakistan&hl=en&sa=X&ved=0ahUKEwi1ycq9gc\\_KAhVWj44KHZJIBnEQ6AEIHjAB#v=onepage&q=hudood%20ordinance%20and%20women%20protection%20act%20pakistan&f=false](https://books.google.com.pk/books?id=XRpHBQAAQBAJ&pg=PA84&dq=hudood+ordinance+and+women+protection+act+pakistan&hl=en&sa=X&ved=0ahUKEwi1ycq9gc_KAhVWj44KHZJIBnEQ6AEIHjAB#v=onepage&q=hudood%20ordinance%20and%20women%20protection%20act%20pakistan&f=false) [Accessed 29th January, 2016]

<sup>47</sup>Section 375, Pakistan Penal Code 1860- Inserted by Protection of Women (Criminal Laws Amendment) Act, 2006, Section



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fundamentally reduced the masses of women being incarcerated in Women's Prisons in Pakistan<sup>48</sup>.

Similarly, the JJSO 2000 mandates for the separation of trials between juveniles and adults<sup>49</sup> and allows for the expeditious release of the child on bail<sup>50</sup>. Furthermore, juvenile courts are bound to provide speedy resolutions of cases within the time span of 4 months<sup>51</sup>.

### Age

Ages	Number of UTPs	Percentage
Under 15	188	2%
15 – 18	1323	13.8%
19-30	5252	54.8%
31-40	1640	17.1%
41 and Above	927	9.7%
Not Mentioned	249	2.6%
<b>Total</b>	<b>9,579</b>	<b>100%</b>

Table 1.5: Age-wise division of the UTPs profiled by LAO from 8<sup>th</sup> May 2013 to 14<sup>th</sup> February 2016.

In the beginning of 2016, Pakistan ranked at 26 out of 117 countries in the “Crime Index by Country” and stood at a crime index of 56.63%<sup>52</sup>.

At an age where an individual is studying in a university and aiming to achieve their goals, these young individuals are forced to remain in incarceration with their education being disrupted, which ultimately has a negative impact on their future.

“ The statistics mentioned above reveal that high crime rates in the age range of “19-30” are prevalent in Sindh perhaps due to scarce employment opportunities for young people. The majority of the inmates confined in prison remain uneducated.

This trend of UTPs age in Sindh conforms to the crime indexes of Age-Specific Arrest Rates and Race-Specific Arrest Rates for Selected Offences 1993-2001 published by the U.S. Department of Justice in 2001<sup>53</sup>. Similarly, a report on “The Age and Crime Relationship: Social Variation and Social Explanations” published by Pennsylvania State University<sup>54</sup> shows that the Crime Indexes in the United States of America indicates that the percentage of arrest in the younger population is higher than their older counterparts insofar, that a quick rate of decline after the age of 30 can be observed.

### Location

In classifying the localities of the UTPs it was found that 51.6% originated from cities outside the metropolis of Karachi and 22% were residents of Karachi. A further 10.6% of those profiled resided in villages and towns from Khyber Pakhtunkhwa (KPK). Whilst drawing on the comparison between UTPs belonging to rural areas, outside Karachi, and urban areas<sup>55</sup>, it was found that the majority was implicated for crimes relating to unlicensed weapons and attempt to commit murder. However, it was observed that implication of crime relating to robbery, dacoity and theft were relatively higher in rural areas.

<sup>48</sup>Code of Criminal Procedure Second Amendment Ordinance 2006, Section 497

<sup>49</sup>Section 5 of the Juvenile Justice System Ordinance, 2000

<sup>50</sup>Section 10 of the Juvenile Justice System Ordinance, 2000

<sup>51</sup>Section 4(6) of the Juvenile Justice System Ordinance, 2000

<sup>52</sup>“Crime Index By Country” a compilation report by Numbeo [Online] Available at: [http://www.numbeo.com/crime/rankings\\_by\\_country.jsp?title=2016](http://www.numbeo.com/crime/rankings_by_country.jsp?title=2016) [Accessed on 29th January, 2016]

<sup>53</sup>Age Specific Arrest Rates and Race Specific Arrest Rates for Selected Offences 1993-2001. Uniform Crime Reports, 2003; Federal Bureau of Investigation, U.S. Department of Justice. [Online] Available at: [http://www.fbi.gov/about-us/cjis/ucr/additional-ucr-publications/age\\_race\\_arrest93-01.pdf](http://www.fbi.gov/about-us/cjis/ucr/additional-ucr-publications/age_race_arrest93-01.pdf) [Accessed on 29th January, 2016]

<sup>54</sup>Jeffery T. Ulmer and Darrell Steffensmeier, “The Age and Crime Relationship: Social Variation and Social Explanations” [Online] Available at: [http://www.sagepub.com/sites/default/files/upm-binaries/60294\\_Chapter\\_23.pdf](http://www.sagepub.com/sites/default/files/upm-binaries/60294_Chapter_23.pdf) [Accessed on 29th January, 2016]

<sup>55</sup>Includes major cities of Pakistan such as Karachi, Islamabad, Lahore, Quetta and Peshawar.



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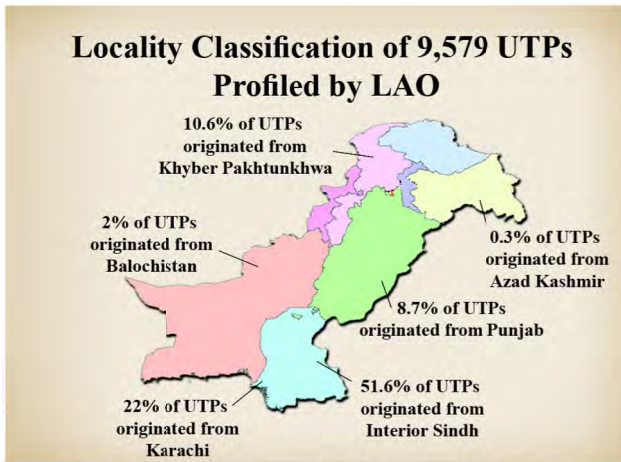


Figure 3.2: Area of origin of UTPs profiled from 8<sup>th</sup> May 2013 to 14<sup>th</sup> February 2016

## Income

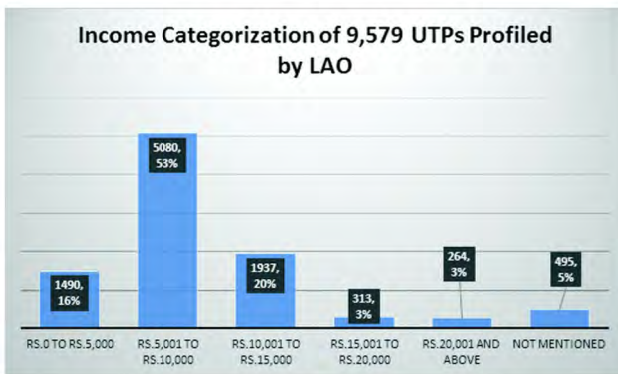


Figure 3.3: Income wise division of the UTPs profiled by LAO from 8<sup>th</sup> May 2013 to 14<sup>th</sup> February 2016.

In an article analyzing the impact of low wages and inflation on the standard of living, the average cost for necessities in 1996 was Rs. 4,464.2<sup>56</sup>. In recent times, adding the inflation rate and an increase in prices, a monthly salary or wage of Rs. 15,000 would perhaps cover the bare minimum necessities. Thus, it is not surprising to note that majority of the UTPs incarcerated across Sindh are from low-income backgrounds.

Despite the Sindh Government raising the minimum wage in Sindh to Rs. 13,000 per month for both adults and juvenile unskilled workers<sup>57</sup>, it is observed that 15.6 % of the UTPs were earning an income falling in a range of Rs.

“ It was also found that 39% of UTPs profiled, were financially supporting 1-3 family members, whilst a further 37% were supporting 4-6 family members. Taking into account the socioeconomic conditions of Pakistan, it is easy to ascertain the growing financial and economic burdens which fuel criminal behavior.

Despite the Sindh Government raising the minimum wage in Sindh to Rs. 13,000 per month for both adults and juvenile unskilled workers<sup>57</sup>, it is observed that 15.6 % of the UTPs were earning an income falling in a range of Rs. 0 to 5,000 and the majority of these UTPs were laborers by profession. It is unfortunate to note that the notification is not being followed by the laborer employers, as a staggering 58.6%<sup>58</sup> earned below the required wage.

Lastly, it has been explained in the Handbook of Crime Correlates by Lee Ellis, Kevin Beaver, and John Wright that socio-economic conditions, such as income, wealth, and years of education have a direct correlation with crime. The higher the socioeconomic status is for a person, the likelihood of committing a crime for that person decreases.<sup>59</sup> Thus, the results generated by the LAO reflect the same correlation between income and crime.

## Profession

The professional capacity of UTPs profiled was such that 56% stated to be working as laborers, whilst 6% were working as drivers. Hence, it can be inferred that blue-collar workers, such as laborers, were more likely to be accused, arrested and charged with the suspicion of committing a crime.

<sup>56</sup>Salman Ahmad, The Lahore Journal of Economics, Vol.9, No.2, p.136 “The Standard of Living in Pakistan --- Better or Worse?”[Online] Available at: <http://www.lahoreschoolofeconomics.edu.pk/JOURNAL/vol9-NoII/08%20Salman%20Ahmad.pdf> [Accessed on 30th January, 2016]

<sup>57</sup>Government of Sindh, Human and Labor Resources Department, Notification No. L-II-13-4/78-1 Dated 30th October, 2015 [Online] Available at: [http://www.sindh.gov.pk/NOTIFICATIONS/NOVEMBER2015/2015\\_11\\_04\\_14\\_39\\_08.pdf](http://www.sindh.gov.pk/NOTIFICATIONS/NOVEMBER2015/2015_11_04_14_39_08.pdf) [Accessed on 30th January, 2016]

<sup>58</sup>Figure obtained by adding the percentages of UTPs earnings between Rs. 0 – 10,000/-.

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Profession	Number of UTPs	Percentage
Barber	19	0.2%
Beggar	14	0.1%
Bus Conductor	25	0.3%
Businessman	23	0.2%
Carpenter	40	0.4%
Chef	6	0.1%
Commission Agent	6	0.1%
Conductor	93	1.0%
Cook	20	0.2%
Designer	3	0%
Donkey Rider	33	0.3%
Driver	578	6.0%
Electrician	114	1.2%
Estate Agent	1	0.1%
Farmer	507	5.3%
Fisherman	146	1.5%
Garbage man	19	0.2%
Hotel Clerk	35	0.4%
Housewife	197	2.1%
Laborer	5365	56%
Maid	103	1.1%

Mechanic	200	2.1%
Operator	55	0.6%
Painter	89	0.9%
Pastor	1	0.01%
Personal Assistant	4	0.01%
Private Worker	243	2.5%
Rickshaw Driver	334	3.5%
Salesman	173	1.9%
Sanitation Worker	4	0%
Security Guard	166	1.7%
Sewing	7	0.1%
Shipping	3	0%
Shopkeeper	151	1.6%
Student	248	2.6%
Sweeper	23	0.2%
Tailor	137	1.4%
Teacher	17	0.2%
Unemployed	84	0.9%
Vendor	74	0.8%
Welder	38	0.4%
Not Mentioned	171	1.8%
<b>Total</b>	<b>9,579</b>	<b>100%</b>

Table 1.6: Profession wise division of the UTPs profiled by LAO from 8<sup>th</sup> May 2013 to 14<sup>th</sup> February 2016.



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It is also important to mention that the low-wage workers in Sindh are more likely to be victims of fraudulent First Information Reports made by the Police or by other persons when issues of enmity arise. In the majority of the UTP interviews conducted, UTPs alleged that they had been arrested by the police due to enmity or their inability to pay illicit demands made by police officers. According to Transparency International, the survey with 1,000 respondents showed police department as the most corrupt at 86%<sup>60</sup>.

### Offences

The results indicated that 22.7% of the UTPs were accused of carrying an unlicensed firearm<sup>61</sup> and 14.78% were under trial for an alleged attempt to murder<sup>62</sup>. Moreover, 14.2% were tried for an offence relating to narcotic/illegal substances<sup>63</sup>.

It can be concluded that firearm related crimes were in the leading category due to the crackdown on unlicensed firearms conducted by the police and para-military rangers force in Sindh<sup>64</sup>.

Sections (Offences)	Number of UTPs	Percentage
109 PPC 1860 (Punishment of abetment if the Act abetted committed in consequence and where no express provision is made for its punishment)	2	0.02%
11 Prohibition [Enforcement] of Hadd Order 1979 (Drinking liable to tazir)	5	0.05%
13-D Arms Ordinance 1965 (Prohibition of going armed without license)	138	1.44%

Table 1.7: Crime-wise division of the UTPs profiled by the LAO from 8<sup>th</sup> May 2013 to 14<sup>th</sup> February 2016.

13-E Arms Ordinance 1965 (Unlicensed possession of arms)	5	0.05%
148 PPC 1860 (Rioting, armed with deadly weapon)	26	0.27%
17(3) Hudood Ordinance 1979 (Punishment for haraabah [robbery])	47	0.49%
17(4) Hudood Ordinance 1979 (Punishment for murder committed during haraabah [robbery])	11	0.11%
20 Hudood Ordinance 1979 ((Punishment for haraabah [robbery] liable to tazir)	35	0.37%
23-A SAA 2013 (acquiring, possessing, or carrying any firearm and ammunition without a license)	2,174	22.7%
25-A SAA 2013 (possession of arms or ammunition licensed or unlicensed with the aim to use them for any unlawful purpose or to facilitate any other person to use them for any unlawful purpose)	8	0.08%
295 PPC 1860 (Injuring or defiling place of worship, with Intent to insult the religion of any class)	1	0.01%
3/4 Foreigner Act 1946 (Illegal entry into Pakistan)	15	0.16%

Table 1.7: Crime-wise division of the UTPs profiled by the LAO from 8<sup>th</sup> May 2013 to 14<sup>th</sup> February 2016.

<sup>59</sup>Lee Ellis; Kevin M. Beaver; John Wright (1 April 2009). Handbook of Crime Correlates. Academic Press. ISBN 9780123736123.

<sup>60</sup>Land Services, police most corrupt in Pakistan: Transparency International, Express Tribune, 9 July 2013 [Online] Available at: <http://tribune.com.pk/story/574577/land-services-police-most-corrupt-in-pakistan-transparency-international/> [Accessed on 3rd April, 2016]

<sup>61</sup>Section 23-A, Sindh Arms Act 2013 and Section 13-D and 13-E Arms Ordinance, 1965.

<sup>62</sup>Section 324, Pakistan Penal Code 1860.

<sup>63</sup>Collective data of sections 6 to 9, Control of Narcotic Substances Act 1997 and 3 to 4, Prohibition (Enforcement of Hadd) Order 1979.

<sup>64</sup>First stage of Karachi security operation complete: Rangers, Express Tribune, 10 August 2015 [Online] Available at: <http://tribune.com.pk/story/935314/fist-stage-of-karachi-security-operation-complete-rangers/> [Accessed on 3rd April, 2016]



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3/4 Hudood Ordinance 1979 (Theft liable to tazir)	48	0.50%
3/4 Prohibition [Enforcement] of Hadd Order 1979 (possession, owning or manufacturing of intoxicants)	448	4.68%
302 PPC 1860 (Murder)	609	6.63%
320 PPC 1860 (Punishment for qatl-i-khata [accidental death] by rash or negligent driving)	25	0.26%
324 PPC 1860 (Attempt to murder)	1,416	14.78%
337 PPC 1860 (Shajjah [hurt])	46	0.48%
337-A PPC 1860 (Punishment of shajjah [hurt])	31	0.32%
337-H (2) PPC 1860 (Punishment for hurt by rash or negligent act to endanger human life)	1	0.01%
342 PPC 1860 (Punishment for wrongful confinement)	2	0.02%
352 PPC 1860 (Punishment for assault or criminal force otherwise than on grave provocation)	1	0.01%
353 PPC 1860 (Assault or criminal force to deter public servant from discharge of his duty)	26	0.27%

Table 1.7: Crime wise division of the UTPs profiled by LAO from 8<sup>th</sup> May 2013 to 14<sup>th</sup> February 2016.

354 PPC 1860 (Assault or criminal force to woman with intent to outrage her modesty)	4	0.4%
354-A PPC (Assault or use of criminal force to woman and stripping her of her clothes)	4	0.4%
364 PPC 1860 (Kidnapping or abducting in order to murder)	35	0.37%
365 PPC 1860 (Kidnapping or abducting with intent secretly and wrongfully to confine person)	145	1.51%
376 PPC 1860 (Punishment for rape)	50	0.52%
377 PPC 1860 (Unnatural offences)	17	0.18%
379 PPC 1860 (Petty Theft)	157	1.64%
380 PPC 1860 (Theft in a dwelling house)	186	1.94%
381 PPC 1860 (Theft by clerk or servant or property in possession of master)	60	0.63%
381-A PPC 1860 (Theft of a car or other motor vehicles)	421	4.40%
382 PPC 1860 (Theft after preparation made for causing death, hurt or restraint in order to the committing of the theft)	63	0.66%
392 PPC 1860 (Punishment for robbery)	799	8.34%

Table 1.7: Crime wise division of the UTPs profiled by LAO from 8<sup>th</sup> May 2013 to 14<sup>th</sup> February 2016.

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393 PPC 1860 (Attempt to commit robbery)	21	0.22%
394 PPC 1860 (Voluntarily causing hurt in committing robbery)	35	0.37%
395 PPC 1860 (Punishment for dacoity)	279	2.91%
397 PPC 1860 (Robbery or dacoity, with attempt to cause death or grievous hurt)	43	0.45%
399 PPC 1860 (Making preparation to commit dacoity)	137	1.43%
401 PPC 1860 (Punishment for belonging to gang of thieves)	18	0.19%
402 PPC 1860 (Assembling for purpose of committing dacoity)	15	0.16%
406 PPC 1860 (Punishment for criminal breach of trust)	6	0.06%
411 PPC 1860 (Dishonestly receiving stolen property)	42	0.44%
412 PPC 1860 (Dishonestly receiving stolen property in the commission of a dacoity)	15	0.16%
420 PPC 1860 (Cheating and dishonestly inducing delivery of property)	54	0.56%
427 PPC 1860 (Mischief causing damage to the amount of fifty rupees)	8	0.08%
435 PPC 1860 (Mischief by fire or explosive substance with intent to cause damage to amount of one hundred rupees or (in case of agricultural produce) ten rupees)	6	0.06%

451 PPC 1860 (House-trespass in order to commit offence punishable with imprisonment)	6	0.06%
452 PPC 1860 (House-trespass after preparation for hurt, assault or wrongful restraint)	35	0.37%
454 PPC 1860 (Lurking house-trespass or house-breaking in order to commit offence punishable with imprisonment)	11	0.11%
457 PPC 1860 (Lurking house-trespass or house-breaking by night in order to commit offence punishable with imprisonment)	131	1.37%
489-F PPC 1860 (Dishonestly issuing a cheque)	16	0.17%
496 PPC 1860 (Marriage ceremony fraudulently gone through without lawful marriage)	8	0.08%
496-A PPC 1860 (Enticing or taking away or detaining with criminal intent a woman)	10	0.10%
504 PPC 1860 (Intentional insult with intent to provoke breach of the peace)	3	0.03%
506 (part 2) PPC 1860 (Punishment for criminal intimidation: If threat be to cause death or grievous hurt, etc.)	98	1.02%
506 PPC 1860 (Punishment for criminal intimidation)	27	0.28%

Table 1.7: Crime-wise division of the UTPs profiled by LAO from 8<sup>th</sup> May 2013 to 14<sup>th</sup> February 2016.



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8 CNS 1997 (Prohibition of trafficking or financing the trafficking of controlled substances)	2	0.02%
9-A CNS 1997 (Punishment for possession, importation, and trafficking 100 grams or less of controlled substances)	399	4.17%
9-B CNS 1997 (Punishment for possession, importation and trafficking more than 100 grams or less than 1 kilogram of controlled substances)	349	3.62%
9-C CNS 1997 (Punishment for possession, importation and trafficking more than 1 kilogram of controlled substances)	150	1.57%
Other (Minor offences giving a sentence of 2 years or lesser under the PPC 1860)	596	6.22%
<b>Total</b>	<b>9,579</b>	<b>100%</b>

Table 1.7: Crime-wise division of the UTPs profiled by LAO from 8<sup>th</sup> May 2013 to 14<sup>th</sup> February 2016.

The notice of the Sindh High Court, (under the orders of the Federal Government) authorizes National Database Registration Authority<sup>65</sup> to register a firearm. This entails that the registration of each firearm will be on the National Identity Card thereby, allowing for a decrease in the unlicensed offences.

### Legal Aid

Article 37-D of the Constitution of Pakistan provides inexpensive and expeditious trial as a right to every citizen

“Confirming the fact that majority of the UTPs profiled belonged to underprivileged families, it was observed that 72% were in need of free legal assistance and could not afford to engage a defense counsel.

The Pakistan Bar Council is responsible for providing legal assistance to those who require the same. It is pertinent to note that under the Pakistan Bar Council Legal Aid Rules 1999, desirous persons may submit an application requesting for free legal representation. Furthermore, District Legal Empowerment Committees (DLEC) are established under the District Legal Empowerment Committees (Constitution & Functions) Rules, 2011. DLECs are headed by District or Session judges who supervise and monitor the functioning of the same. The DLECs should allocate adequate funding that is to be used to provide legal aid to indigent litigants. Unfortunately, the utilization of the funds lacks a proper mechanism under the law<sup>66</sup>. It is important to note that until these DLEC are fully functional and there is awareness about their functioning, it appears, that not-for-profit organizations and civil societies will be filling the gap.

The LAO seeks to expand the provision of legal aid to underprivileged UTPs, however; this is subjected to its needs-based criteria. Furthermore, the LAO does not provide legal aid to offenders accused of and charged with heinous crimes or hardened and repeat offenders. Secondly, due to an agreement with the Karachi Bar Association, the LAO does not provide legal aid to anyone who is already being represented by private counsel or after the LAO's intervention, a private lawyer is engaged<sup>67</sup>.

<sup>65</sup>“Sindh High Court allowed NADRA to issue Arms Weapon License”, PTV News, 27th March, 2015. Available at: <http://www.ptvbix.com/sindh-high-court-allowed-nadra-to-issue-arms-weapon-license/> [Accessed on 30th January, 2016]

<sup>66</sup>Pildat, “Free Legal Aid in Pakistan” Position Paper (October 2015) Available at: [https://www.google.com.pk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=8&cad=rja&uact=8&ved=0ahUKEwiOpeim5v7LAhVGGZQKHdY1BQMqFghCMAc&url=http%3A%2F%2Fwww.pildat.org%2FPublications%2Fpublication%2FROLR%2FFreeLegalAidinPakistan\\_PILDATPositionPaper.pdf&usq=AFQjCNGDQKAXOEPzygXcEQR\\_TTMXxfAFVg](https://www.google.com.pk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=8&cad=rja&uact=8&ved=0ahUKEwiOpeim5v7LAhVGGZQKHdY1BQMqFghCMAc&url=http%3A%2F%2Fwww.pildat.org%2FPublications%2Fpublication%2FROLR%2FFreeLegalAidinPakistan_PILDATPositionPaper.pdf&usq=AFQjCNGDQKAXOEPzygXcEQR_TTMXxfAFVg) [Accessed on 8th April, 2016]

<sup>67</sup>C.P No. D-65 of 2011



# 7. RESEARCH

## Drug Usage

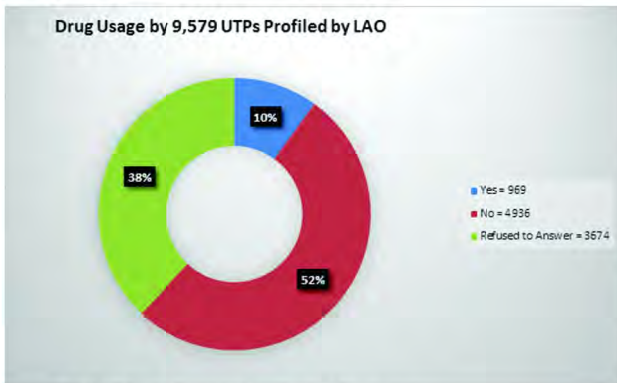


Figure 3.4 UTPs admission to drug addiction.

10% of the UTPs admitted to the LAO lawyers that they habitually use drugs. On the other hand, 38% refused to answer the question perhaps afraid of the stigma attached to being a drug addict or subsequent potential harsh treatment meted by prison authorities. Despite the harmful nature of cigarettes, these are allowed to be used by prisoners in all the prisons.<sup>68</sup> During legal aid clinics, the LAO lawyers observed that the most popular narcotic used by the UTPs was hashish (also known as hash in English). However, for determination of heroin addiction, the LAO lawyers would inspect the arms of the UTPs for signs of injecting themselves but due to problems with verification this has not been included in the data tabulated above.

Nevertheless, in order to curb the use of narcotics and provide rehabilitation treatment to prisoners who are drug addicts, prison facilities provide a separate barrack to such prisoners for their treatment. Unfortunately, only 5<sup>69</sup> of the 19 prison facilities assessed for this research provide treatment. The drug addicts are treated to cope with the withdrawal symptoms, which include nausea, shivering, fever and abdominal pains, to name a few. An on-call doctor is available 24 hours a day who is responsible for the administration of the medicine; however, the majority of the prison officials have stated that UTPs suffer from a relapse after being released from prison.

The Drug-Free Foundation Pakistan was managing and running a treatment program in Central Prison, Karachi whereby they engaged 20 prisoners once a month. However, due to security concerns, the organization is no longer operating. A representative of the organization stated that in order to allow these UTPs to be freed from the hinges of drugs it is important for them to be provided with follow-ups after their release from prisons<sup>70</sup>.

Name of Prisons	No. of Drug Addicts kept in Separate Treatment Wards <sup>71</sup>	Percentage
Central Prison, Karachi	39	23%
District Prison Malir, Karachi	88	52%
District Prison Nara, Hyderabad	31	18%
Central Prison, Hyderabad	10	6%
District Prison, Shikarpur	01	1%
<b>Total</b>	<b>169</b>	<b>100%</b>

Table 1.8: Separation of drug addicts for the purpose of treatment in prisons.

It is pertinent to add that there are roughly 8 treatment centers in Sindh with out-patient services and 3 treatment centers in Sindh with in-patient facilities<sup>72</sup>. Unfortunately, there are no Non-Governmental Organizations that are managing and running their own devised treatment programs by engaging prisoners and much is to be desired in terms of treatment of drug addicts who are released from prison.

<sup>68</sup>Rule 683, PPR

<sup>69</sup>Central Prison, Karachi, District Prison Malir, Karachi, District Prison Nara, Hyderabad, Central Prison, Hyderabad and District Prison, Shikarpur

<sup>70</sup>The LAO met Mr. Atif Khan (Planning and Development Manager of Drug Free Pakistan Foundation) on 24th January, 2015.

<sup>71</sup>The LAO sources informed on 12th February, 2015 that these prisoners are confined in a separate barracks from other prisoners. However, in Central Prison and District Prison, Nara Hyderabad and District Prison, Shikarpur they are only provided the treatment without any separation because of over-population in prison.

<sup>72</sup>Data collected by Legal Aid Office between January, 2015 to February, 2015.



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## Political Affiliations

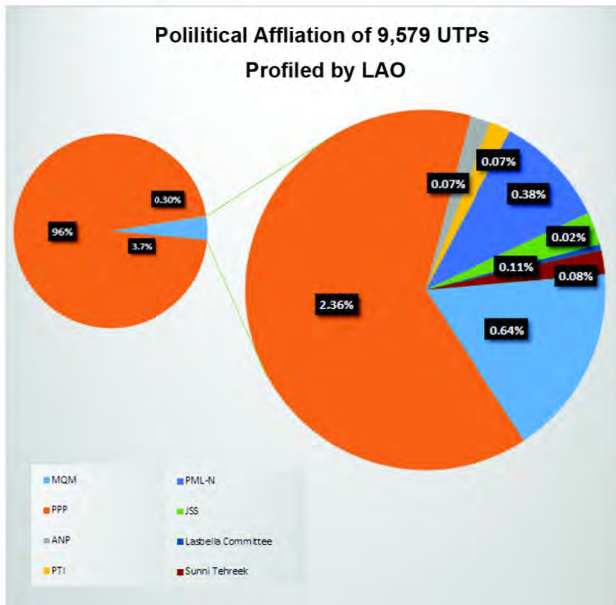


Figure 3.5: UTPs admission to political affiliation profiled by the LAO from 8<sup>th</sup> May 2013 to 14<sup>th</sup> February 2016.

Only 3.7% of the UTPs admitted to their affiliation with a political party; whilst, 1.4% of the UTPs admitted to their affiliations with a religious group.

The majority, during the interview, stated that they were a part of Pakistan Peoples' Party (PPP) at 2.36% and other prisoners admitted to being the part of the Muttahida Quami Movement (MQM) Party at 0.64%.

It is surprising that more UTPs do not disclose that they are a part of PPP as it is an influential political force in Pakistan with its stronghold based in Sindh. It is equally surprising that more UTPs in Karachi do not disclose that they are a part of MQM as it has a strong influential political force in Karachi. Perhaps the reason for this can be attributed to the presence of a prison official during interviews that might have affected the concerned UTP and thus the interviewee may have given socially desirable answers. Thus, answers given to questions relating to affiliations with political groups may not be correct due to threats from other groups or loyalty to their groups.

## Religious Affiliations

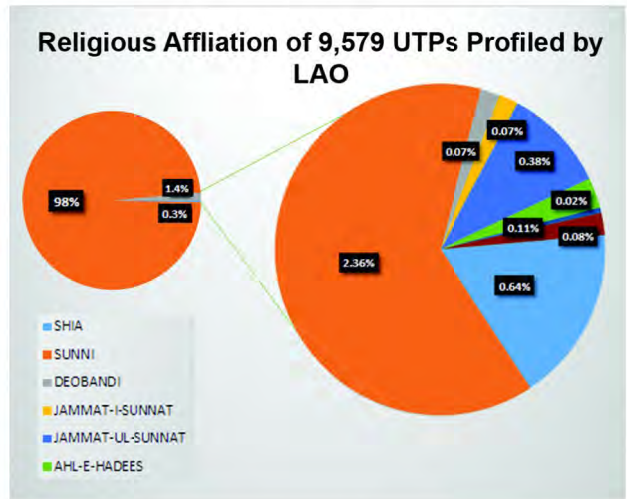


Figure 3.6: UTPs admission to religious affiliation profiled by the LAO from 8<sup>th</sup> May 2013 to 14<sup>th</sup> February 2016.

The results indicated that a meagre 1.18% of the UTPs admitted that they belonged to the Sunni sect whilst only 0.16% admitted that they were from the Shia sect. None of the UTPs profiled admitted to belonging to a non-Muslim religious minority group.

The low number of UTPs admitting their affiliation to religious groups is not surprising owing to the fact that religious persecution is prevalent in Pakistan insofar that the Central Prison in Karachi has adapted to a separation between UTPs belonging to the Sunni sect and Shia sect prisoners after a vile attack on a Shia by a Sunni believer inside his barrack.

In terms of the categorization of the religious groups, it should be noted that when the LAO Lawyers ask a UTP whether he/she belongs to a religious organization, the response of the UTP is usually based on the UTP's perception. These perceptions become very important when analyzing them in terms of CVE.

For example, if there is a group of 01 Shia UTP, 02 Sunni UTPs and then 01 Jammats-ul-Sunnat UTP, the UTP belonging to Jammats-ul-Sunnat will not consider himself or herself to be a part of the Sunni sect even though they technically are. In fact, this is the ideological block, which is the trend of violent extremism. With the religious education imparted to them, the UTPs cannot differentiate between the basic group of which they belong. In this case,



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03 UTPs belong to the Sunni sect while they claim their sect is not by itself a fundamental entity but is a subset, which may be Ahle-Sunnat Jamat (Wahabi) or Jamaat-ul-Sunnat (Deobandi) and the Sunni Tehreek (Bralvi).

### **Conclusion**

Currently, 15,827 UTPs<sup>73</sup> are awaiting the conclusion of their trials. From the 9,579 UTPs profiled, it can be discerned that the main cause of crime is perhaps a nexus between poverty, frustration, financial burden, illiteracy, unemployment and excessive dependents. From the profiling exercise conducted, it was found that 54.8% of the UTPs were between the ages of 19-30 whilst 51.6% originated from Interior Sindh. 53.03% earned between Rs. 5,001-10,000 per month and 56% were employed as laborers. Highlighting the need for free legal assistance for the underprivileged, 72% requested the LAO to provide them with their free services; with the majority at 22.7% being implicated for carrying an unlicensed firearm<sup>74</sup>.

As was mentioned earlier that as a result of the PWA 2006 and the JJSO 2000 gives a safeguard to adult female prisoners and juveniles for their earlier release. In this regards, the trends generated revealed that on average women are between the ages of 19-30 and were mainly housewives, and the working class of the same belonged to the profession of housemaids where they earned monthly wages between Rs. 0-5,000/-. It should be noted that a similar trend regarding age was found between adult males and adult females. However, the majority males earned between Rs. 5001 to 10,000/- every month as a laborer; whilst the juveniles were among the 15-18 age group and had similar monthly earnings and occupations as adult males.

### **c. Baseline Surveys**

In order to assess the impact of the interventions of providing legal aid and representation to prisoners, a baseline survey was carried out engaging 963 UTPs who are not represented by the LAO during the month of January 2016 through 86 FGDs<sup>75</sup>. This was conducted in order to provide a starting point for monitoring and a comprehensive characterization for comparing the quality

of service provided by the LAO to its clients<sup>76</sup> and by private counsels to their clients. The definition of quality legal representation is provided by the Legal Practitioners and Bar Councils Act, 1973 and monitored by the Sindh Bar Council<sup>77</sup>.

### **i. Findings**

A total of 840 adult male prisoners, 99 juveniles, and 24 adult female prisoners were engaged in the baseline surveys.

The findings of the baseline survey and the results of a similar survey conducted over time with the LAO clients found that there were comparable findings for the incarceration period of the LAO and non-LAO clients, where majority stated to be incarcerated for less than a year.



Results indicated that the LAO clients relatively had better experience interacting with their advocates, at 72% as good, as compared to 50% of non-LAO clients stating their experience as poor. Furthermore, 73% of the LAO clients stated that their advocates had patiently taken their case details and history whilst 51% of non-LAO clients stated to the contrary.

The main reason stated for the dissatisfaction and the delay in court proceedings in both the surveys was that the absence of the advocates on the dates of hearing in courts. In this regard, one aspect that should not be ignored for private and the LAO advocates alike is the constant hustle during court hours and the production of custody during late hours by the prison authorities, which hinders the meeting of advocates and their clients. Perhaps a structured system that is followed aptly could allow for such complaints by UTPs to be diminished. The second highest reason for the dissatisfaction from both the surveys was as follows; the LAO clients stated that the delay was

<sup>73</sup>Population Statement of Sindh Prisons as it stood on 29th January, 2016 according to the records received from the Office of the Inspector General of Sindh.

<sup>74</sup>Section 23-A, Sindh Arms Act 2013 and Section 13-D and 13-E Arms Ordinance, 1965.

<sup>75</sup>Supra: Methodology

<sup>76</sup>Similar Questions were asked from LAO clients during 47 FGDs and 220 Advocate Performance Questionnaires.



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due to the non-attendance of witnesses at 23%, whereas, non-LAO clients stated that they were not produced by prison authorities. 64% of non-LAO clients stated that their counsel did not inform them about their right for reduction of surety amount, whilst, 63% of the LAO clients were well informed about the same. 77% of non-LAO clients claimed that they did not get any feedback from their lawyers; whereas, 64% of the LAO clients stated that they were regularly provided with feedback and updates on their case progress.

“ It should also be noted that 52% of non-LAO clients, stated that they did not often meet their advocates, whilst, a significant 72% of the LAO clients claimed that they met their counsel regularly. Unfortunately, only 49% of non-LAO clients were satisfied with their advocates; whereas, in stark contrast 74% of the LAO clients were satisfied with their advocates showing the vast difference in the quality of legal representation being provided by the LAO advocates.

The findings of the baseline surveys show that the LAO clients were more satisfied with their legal counsel and the quality of legal representation provided proved to be higher for the LAO clients in comparison with non-LAO clients.

## d. Babies Behind Bars Report

Following a comprehensive study of the laws and survey of key beneficiaries, a research report titled “Babies Behind Bars” (“Babies Report”)<sup>78</sup> was published by the LAO. The Babies Report highlighted the major gaps in ensuring the provision of rights to children residing with their incarcerated mothers and also outlined

the areas where the needs of the children were being neglected.

Under the PPR a child may remain in incarceration with his or her mother until the age of six years<sup>79</sup>, contrary to the law, children as old as nine have been allowed to remain in incarceration with their mothers, perhaps because no other alternative from the social welfare department exists for these children. Additionally, the Babies Report highlighted the PPR provision that entailed that seasonally appropriate clothing shall be provided to children incarcerated as prescribed by the Superintendent<sup>80</sup>. However, the Babies Report shed light on the fact that children are generally not provided with adequate clothing or supplementary diet and hygiene items, leaving this responsibility to Non-Governmental Organizations.



Justice Nasir at the Early Learning Centre Launch in Karachi on 8th August, 2015.

Perhaps the most alarming gap raised in the Babies Report was the lack of implementation of an explicit provision under the PPR that requires education to be provided to prisoners<sup>81</sup> and provides that a well-stocked library should be placed in every prison<sup>82</sup>; however, the PPR remains silent on the provision of education for children residing with the incarcerated mothers. From the research conducted, it was found that there was a serious lack of education opportunities for children incarcerated in prisons in Sindh. The findings in relation to education revealed that only a religious teacher came to teach the

<sup>78</sup>Babies Behind Bar, April 2015 Available at: <https://babiesbehindbars.files.wordpress.com/2015/05/babies-behind-bars.pdf>

<sup>79</sup>Rule 326, Pakistan Prison Rules; Children to be allowed to remain with their mothers: “Women’s Prisoners shall be allowed to keep their children with them in prison till they attain the age of six years.”

<sup>80</sup>Rule 328, Pakistan Prison Rules; Diet and clothing for children: “Children in prison shall be provided with such clothing as the Superintendent may prescribe in writing. The scale of diet for children is prescribed in rules pertaining to dietary.” and Rule 520, Pakistan Prison Rules; Clothing of infants: “The Superintendent shall provide children permitted to remain with their mothers in prison with all necessary clothing in accordance with the requirements of the season.”

<sup>81</sup>Rule 679, Pakistan Prison Rules on Education

<sup>82</sup>Rule 679, Pakistan Prison Rules; Education: Supra Footnote 13.

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mothers in Women’s Prison, Larkana whereas, their counterparts in Women’s Prisons in Karachi and Hyderabad had no teacher employed. It was ascertained that whilst prisoners have volunteered to teach the children in their respective prisons, however, without a proper qualification in teaching and helping a child develop, the prisoners were unable to render a positive change in the children<sup>83</sup>. Reflecting on the need to improve the chances of a better future for these young innocent children it is vital that teachers and books be amply provided to each child along with an opportunity to be educated.

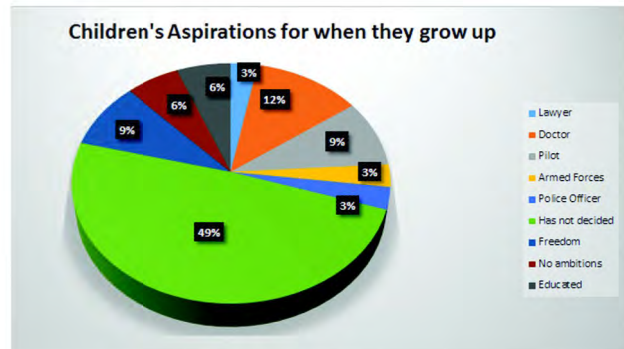


Figure 3.7: Aspirations for the future of children residing with incarcerated mothers.

“ Additionally, the Babies Report highlighted that a mere 24% of children mentioned having access to books, whereas 91% of children said they would like to have books. The lack of a set curriculum was a serious concern; hence the LAO set out to establish the pilot project of establishing a separate educational center for the children in Women’s Prison, Karachi.

73% of the children surveyed and analyzed in the Babies Report, said they had learnt nothing in prison, whereas 15% learnt basics and 12% learnt how to say ‘mama’ and ‘papa.’ This diagram further revealed the poor quality of education provision for the children. It was imperative that a school like routine that stimulated a normal life is granted to these hidden victims. Essentially, the ultimate aim was to allow the children to fulfill their aspirations as shown below.

<sup>83</sup>Legal Aid Office, “A Glimpse into the Lives of Babies Behind Bars”, April 2015. Available at: <http://pp.lao.org.pk/babies-behind-bars-april-2015-2/> [Accessed 21st January 2016]



# 8. EDUCATIONAL & VOCATIONAL TRAINING

## a. Early Learning Centre

Based on its research findings and excessive lobbying with prison leadership, the LAO has been providing educational facilities to children residing with their incarcerated mothers since 8th August 2015. This education is provided through a one of a kind Early Learning Centre (ELC) established inside the prison facility for children between the ages of 2.5 and 9 years. The establishment of the ELC is a hallmark of the unique collaboration between the prison department and the LAO cognizant of the recommendations made by the LAO based on the Babies Report<sup>84</sup>.

The focus of the ELC remains to provide the Early Childhood Education Curriculum that has been endorsed by the Government of Pakistan<sup>85</sup> and to negate the traumatic impact of the prison environment on these children.

In order to ensure that the aims are being achieved, the LAO has been successful in hiring a qualified and trained teacher, who has the requisite experience and a background in teaching Montessori age group children. The LAO in collaboration with the Teachers' Resource Centre (TRC),<sup>86</sup> has ensured the continuing training and education of the teacher, to help her prepare for classes and further ensure that the children are provided with quality education, maintaining the standard.

An advisory committee has been established which comprises of educational experts, a well reputed pediatrician and psychologist to oversee the progress of the ELC.



Children studying at the Early Learning Centre in KARACHI.

Dr. Habiba Hassan, pediatrician with over 20 years of experience, also a member of the Advisory Committee has been visiting the children of the ELC and has been documenting the changes in the growth of the children. Whilst majority of the children were found to be near the weak range under WHO Health Charts, different deficiencies such as iron and vitamins were also found and treated. After a few months of visits, Dr. Habiba concluded that the height and weight of children had shown slight progress (Annexure G).

Dr. Asha Bedar, a renowned psychologist, with over 15 years of experience, also a member of the Advisory Committee has been conducting counselling and therapy sessions with the mothers and the children of the ELC in different sessions. During one such sitting with the mothers, it was revealed that there is an acute sense of frustration and depression amongst the inmates. On the other hand, sessions with the children have revealed that at times the frustration of the mother is inflicted on the child in the form of physical abuse. These concerns have been highlighted and are being mitigated with proper counselling and therapy by Dr. Asha (Annexure H).

“ In the initial stages, as was expected, the majority of the children were unable to hold their pencils or even write properly. Since the launch of the ELC classes, a distinct improvement has been observed as all the children are now able to write alphabets, correctly hold their pencils, write numbers without help and have developed a sense of calmness and discipline.

<sup>84</sup>Babies Behind Bars 2015

<sup>85</sup>The Education Minister endorsed the Early Childhood Education Curriculum in 2002 which was developed by the Teachers' Resource Centre and was further revised in 2006. Available at: [http://www.asepakistan.org/document/learning\\_resources/2014/Early\\_Childhood\\_Education/National%20Curriculum%20on%20ECE.pdf](http://www.asepakistan.org/document/learning_resources/2014/Early_Childhood_Education/National%20Curriculum%20on%20ECE.pdf). For further information please see: <http://trconline.org/the-national-curriculum-for-ece-2007/> [Accessed on 8th April, 2016]

<sup>86</sup>Under the guidance of the Academic Programs Advisor Ms. Mehnaz Mahmud



## 8. EDUCATIONAL & VOCATIONAL TRAINING

An example in the development of the children is that in the beginning stages of the ELC, a 3.5 years-old male child whose father had been murdered by his mother was constantly angry and violent towards visitors<sup>87</sup>. However, with constant care and proper guidance, the child has begun to channel his anger into creating things and using his imagination to acting as a plumber or trying to be constructive by building things.

Another example is seen in the case of two male siblings aged 5 years and 2.5 years respectively. Both the siblings had been subjected to police torture whilst in custody and both had a fear of any outsider visiting them. The elder sibling began attending the ELC classes since its launch and has progressed to writing numbers, speaking fluently in basic Urdu and identifying the basic colors. The younger sibling did not attend the ELC classes regularly due to fear and anxiety, however, since 1st January 2016, he has been regularly attending classes. A drastic improvement in his personality has been observed as he has begun interacting with strangers and his fearful demeanor has dissipated<sup>88</sup> although the child is still learning the basics. However, perhaps this provides an insightful glimpse into the impact of the ELC that has allowed these two siblings hope and a platform for them to speak and be heard and has allowed their self-esteem and confidence to grow.

### b. Stitching Classes

According to the PPR, Rule 298 provides that every inmate sentenced to imprisonment for a year or more will be given instructions in reading, writing and arithmetic for two hours daily. However, largely this is not the position on the ground and much is to be desired for improvement of rehabilitation of prisoners. Since establishment in 2004, the LAO has been providing vocational training through stitching classes to adult female prisoners in the Karachi Women facility which allows them to learn and practice stitching and develop a skill set which can be used for generating livelihood post release.

To date, 100 female prisoners have obtained training through this intervention. Interviews were conducted with

9 students who were regularly attending classes at the time of writing this report to obtain their feedback which indicated their satisfaction levels as high and stated that the training relieved stress, depression, and anxiety that they suffered from. It was found that 78% of the female prisoners were between the ages of 30-40 and from this it could be discerned that the course is more popular with the older females who upon release from prison wished to sustain their families and themselves financially. It was further highlighted that majority of the students would be paid Rs. 300 for each stitched suit if they were to sell in the market. Depending on the speed and agility of the student, a stable monthly income could be earned by stitching and selling them. The majority of the students also recommended the addition of specific stitching techniques and embroidery making in the stitching course to add further market value to their products and hence increase their monthly income.

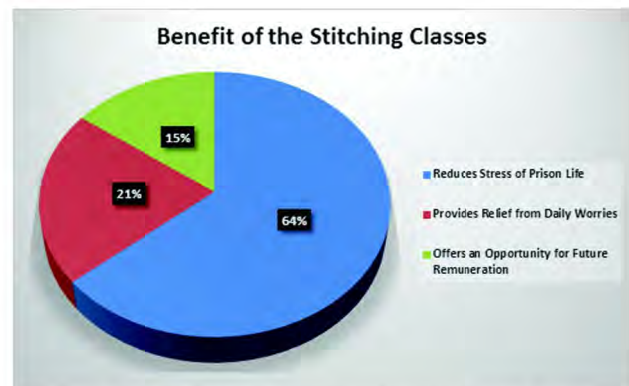


Figure 4.1: Benefit of the stitching classes provided by the LAO.

The benefits of the vocational opportunities have been highlighted regularly in various pieces of research, one such research paper by the NCVER states that education and training for adult prisoners and offenders can make a significant difference to successful post-offending employment outcomes and thus reduce the likelihood of re-offending<sup>89</sup>. The results from the LAO's interviews with students of the stitching class substantiate the proposition as 64% females stated that the classes help reduce the stress of prison life and 15% stated that it offers an opportunity for future remuneration.

<sup>87</sup>Observations made during Monitoring and Supervision Visit to the Early Learning Centre on 2nd September, 2015.

<sup>88</sup>Observed during a psychological session with the ELC students by Dr. Asha Bedar on 28th January, 2016.

<sup>89</sup>NCVER, Susan Dawe; Vocational Education and Training for Adult Prisoners and Offenders. [Online] Available at: <https://www.google.com.pk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=4&cad=rja&uact=8&ved=0ahUKEwjH4pmJrvnLAhUCjJQKHcyDA1QQFggrMAM&url=http%3A%2F%2Fwww.ncver.edu.au%2Fwps%2Fwcm%2Fconnect%2Fbaaf8f0c-c4ba-414c-8b83-81ced18e4499%2Fnd4200b.doc%3FMOD%3DAJPERES&usg=AFQjCNHCekkwWu-DI5pBtilmWdF69pka0A&sig2=OL6Y-ubwPLyl-PeekodGug&bvm=bv.118443451,d.dGY>



# ANNEXURES

# 9. ANNEXURES

## A. Baseline Survey

Prison Name: \_\_\_\_\_ Address: \_\_\_\_\_  
 Date of Survey: \_\_\_\_\_ Surveyor's Name: \_\_\_\_\_  
 Year of Establishment: \_\_\_\_\_ Authorized Capacity: \_\_\_\_\_  
 Actual Capacity on (or around) Date of Survey: \_\_\_\_\_

This Survey will be conducted with the non-LAO client, to see his/her view about the criminal proceeding and quality of legal services provided to the same.

	Indicator	Y/N	Comments
Q1	What is your name?		
Q2	What offence are you charged under?		
Q3	Since when have you been in prison?		
Q4	Which area are you a resident of?		
Q5	What is your permanent resident area?		
Q6	What was your profession before coming to prison?		
Q7	What was your monthly income?		
Q8	How many dependents do you have?		
Q9	Do you have any legal assistance?		
Q10	If yes? Are you paying for the services?		
Q11	How did you engage this Advocate?		
Q12	How is your interaction with the advocate in regards to your case? How would you describe the attitude of the advocate?		
Q13	Did the advocate take your history and case details patiently?		
Q14	What is the advocate's attitude towards you/your case?		
Q15	Are there any delays?		
Q16	If yes, what are the reasons according to you for the delay in your case?		
Q17	Is the advocate providing you with any awareness on legal rights and court procedure? If yes, what kind of awareness?		
Q18	Has the advocate informed you about the possible punishment, if conviction arises in your case?		
Q19	Is your case bailable or non-bailable?		
Q20	Has your lawyer filed any bail application?		
Q21	Did the advocate inform you in the case of heavy surety amount, the amount can be reduced through application in the court?		
Q22	Is the advocate giving you any feedback and follow up on the case progress?		
Q23	How often do you meet the advocate representing you?		
Q24	How many times you have changed advocate?		
Q25	Do you meet the advocate representing you more in court or in prison?		
Q26	Where would you feel more comfortable meeting your advocate for discussing the progress of your case? Prison or Court?		
Q27	Are you satisfied with your advocate?		
Q28	Do you think you are innocent?		
Q29	How would you describe your experience in prison?		
Q30	What would you want to do after your release from prison?		



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## *B. Advocate Performance Questionnaire*

Section \_\_\_\_\_  
 Name of the Interviewer \_\_\_\_\_  
 Name of the UTP \_\_\_\_\_  
 Date of Visit \_\_\_\_\_  
 Age Group: \_\_\_\_\_

Q1. Did the LAO advocate introduce the LAO organization to you in detail?	
Q2. Did the advocate inform you about the free nature of the legal aid/representation given by the LAO?	
Q3. Did the advocate take your history and case details patiently?	
Q4. Did the advocate demand any money for the case proceedings?	
Q5. Are you innocent?	
Q6. What are the reasons according to you for the delay, if any, in your case?	
Q7. Is the advocate providing you any awareness on legal rights and court procedure? If yes what kind of awareness?	
Q8. Has the LAO advocate informed you about the punishment possible should a conviction arise in your case?	
Q9. Did the advocate inform you in the case of heavy surety amount in case of bail the amount can be reduced through application in the court?	
Q10. Is the advocate giving you any feedback and follow up on the case progress?	
Q11. Is your family aware of the LAO and for the legal assistance provided to UTPs?	
Q12. Are you satisfied with your advocate?	

# 9. ANNEXURES

## C. Profiling Survey

### NEW UTPS INTERVIEW FORM

Date: - \_\_\_\_\_  
Name: - \_\_\_\_\_ Father's Name: - \_\_\_\_\_  
Date of Birth: - \_\_\_\_\_ Age: - \_\_\_\_\_  
Resident of: - \_\_\_\_\_ Originally From: - \_\_\_\_\_  
DOA: - \_\_\_\_\_ UTP No: - \_\_\_\_\_  
FIR No: - \_\_\_\_\_ Under Section: - \_\_\_\_\_  
Police Station: - \_\_\_\_\_ Court: - \_\_\_\_\_  
Next Date: - \_\_\_\_\_ Occupation: - \_\_\_\_\_  
Monthly Income: - \_\_\_\_\_ How many dependants do you have: - \_\_\_\_\_  
(How many people do you financially support)

Are you a member or affiliated with any groups, political parties or religious organizations  
Yes  No  \_\_\_\_\_

Marital Status Single  Married   
Children Son  Daughter   
No. of Brothers and Sisters Brother(s)  Sister(s)  Cell: - \_\_\_\_\_  
Parents Alive Yes  No  Mother  Father

Do you habitually use narcotics? Yes  No   
If yes what type of narcotics: - \_\_\_\_\_

Other Information: - \_\_\_\_\_

Follow up: - \_\_\_\_\_

Legal Aid Required: - Yes  No

Have you been previously arrested and faced trial for a crime: - Yes  No

Previously Convicted: - Yes  No

Do you believe you were wrongfully convicted Yes  No

Previously Acquitted: - Yes  No

How was your previous trial experience: - \_\_\_\_\_

How is your Prison experience: - \_\_\_\_\_

Remarks: - \_\_\_\_\_

Interviewed by: \_\_\_\_\_

Signature: \_\_\_\_\_



# 9. ANNEXURES

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## D. Prison Conditions Survey

Prison Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Date of Survey:

Part 1: \_\_\_\_\_ Surveyor's Name: \_\_\_\_\_

Part 2: \_\_\_\_\_ Surveyor's Name: \_\_\_\_\_

Part 3: \_\_\_\_\_ Surveyor's Name: \_\_\_\_\_

Part 4: \_\_\_\_\_ Surveyor's Name: \_\_\_\_\_

Part 5: \_\_\_\_\_ Surveyor's Name: \_\_\_\_\_

Year of Establishment: \_\_\_\_\_

Authorized Capacity: \_\_\_\_\_

Actual Capacity on (or around) Date of Survey: \_\_\_\_\_

### **Part One: General Observations**

This part is to be assessed by the surveyor only by observing clear empirical facts inherent in the prison. I.E. it is extremely important not to ask questions in Part One to any prisoners and/or prison staff.

Category	Indicator	Y/N	Comments
Separation of Categories	While interviewing UTPs, are the UTPs separated from convicted criminals?		
	While interviewing UTPs, are hardened criminals separated from other prisoners?		
	While interviewing UTPs, are persons imprisoned for civil actions kept separate from persons imprisoned by reason of a criminal offence?		
	While interviewing UTPs, are young prisoners (under 18 years) kept separate from adults?		
	Generally, do prisoners in one barrack exceed the maximum occupancy for the same?		
	Was the surveyor checked by prison authorities before entering the prison?		

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Accommodation	Does sleeping accommodation meet all requirements of health; due regard being paid to climatic conditions and particularly to floor space, lighting, heating, and ventilation?		
	Is there appropriate ventilation and sufficient natural light available in the barracks?		
	Is sufficient artificial light provided to the prisoners in order for them to read and work without causing injury to eyesight?		
Personal Health and Hygiene	Observe if sanitary installations are adequate for prisoners to comply with the needs of nature in a clean and decent manner.		
	Are adequate bathing facilities and shower installations in place?		
	Are the barracks properly maintained and kept clean?		
	Do clean drinking water facilities exist / readily available to prisoners?		
	Are there any shops within the premises of the prison where prisoners can purchase materials/ supplies?		
Clothing and Bedding	Are prisoners provided with appropriate clothing that is suitable for the climate?		
Instruments of Restraint	Are prisoners in bar fetters or handcuffs?		
Religion and Books	Does the prison have an appropriate library that contains any religious material?		
	Are adequate prayer/worship facilities available for the most type of religions/ sects?		
Part Two: Questioning of Prisoners			
This part is to be assessed by the surveyor only by communication with prisoners.			



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Category	Indicator	Y/N	Comments
Basic Rights and Principles	Are all new prisoners briefed and orientated about their institutional rights, rules and procedures?		
	Are prisoners allowed to meet their legal representatives whenever they want?		
	If yes, how much time is allowed for such a meeting?		
	Can a complaint against an official be easily pursued in the case of abuse of powers?		
	Can a complaint against another prisoner be easily pursued?		
	If yes then is that prisoner's complaint acted upon?		
	Are all types of prisoners allowed to meet with their family?		
	Are prisoners allowed to meet their spouse in a private and separate setting?		
	Ask the UTP whether they suffer from any difficulty		
	when they are transferred from prison to prison. What are the types of difficulties they face?		
	Are UTPs provided with any remunerated labour opportunities?		
	Are UTPs allowed to possess personal effects in the prison?		
	Ask disabled UTPs whether or not they are given special facilities for movement (I.E. wheelchair ramps).		
	when they are transferred from prison to prison. What are the types of difficulties they face?		
	Are UTPs provided with any remunerated labour opportunities?		
	Are UTPs allowed to possess personal effects in the prison?		
Ask disabled UTPs whether or not they are given special facilities for movement (I.E. wheelchair ramps).			

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Personal Health and Hygiene	Are the UTPs allowed to bathe at least once a week? If more, how many times?		
	Are the UTPs allowed to get fresh air and exercise every day? If yes, how much time in a day they are allowed to do so?		
	Are adequate health services available (both medical and psychological) for the prisoners?		
	Ask the UTP if the bathing facilities are suitable to the climate.		
	Ask the UTP whether he or she is provided with adequate food. If yes, how many times a day they are provided with it?		
	Ask the UTP whether they are kept separate from prisoners suffering from infectious diseases (such as hepatitis and TB)		
	Ask the UTP whether they are provided with clean drinking water with a temperature that is suitable to the climate (I.E. Cold drinking water in summer).		
Educational Facilities and Recreation	Is Islamic/religious education available to the prisoners?		
	What is the benefit of such classes?		
	Is it compulsory for all prisoners to attend those Islamic/religious classes?		
	What is the total number of students in a class? (Comment)		
	Is allocation of classes according to barracks?		
	Is there more than one religious teacher in a class? If yes, how many are there?		
	Is literature available to them? What type?		
	Does the prison have qualified representatives of religion available every day?		
	Do religious instructors often change in the prison?		



## 9. ANNEXURES

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	Are there any after sessions after class between teachers and students?		
	Are there any recreational activities available in prison? If yes, what types?		
	Are those recreational activities more popular in comparison with Islamic/religious classes?		
	Ask UTPs belonging to a religious minority group, whether they are provided by a qualified representative of that religion?		
	Ask UTPs belonging to a religious minority whether they are refused to assess religious text according to their beliefs?		
	Ask UTPs whether any type of extremist views are being discussed in classes or freely discussed amongst the prisoners.		
	Ask the UTP they have been allowed to continue their education in prison.		
Management and Staff	Have you witnessed or experienced any abusive behavior?		
	Does the superintendent regularly visit the prison?		
	Are barracks checked twice a week by prison authority?		
	Does the prison authority favor a certain class of prisoners? (I.E. seasoned prisoners/VIP prisoners/political prisoners).		
Discipline and Punishment	Are prisoners given any disciplinary responsibility?		
	Have you or anyone you know been placed in solitary confinement?		
	Have you or anyone you know been placed in bar fetters as a form of punishment?		
	Have you or anyone you know received a reduction in the diet as a form of punishment?		

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Part Three: Questioning of Prison Authorities			
This part is to be assessed by the surveyor only by communication with a Senior Prison Authority Representative.			
Category	Indicator	Y/N	Comments
Basic Rights and Principles	Has there been any incident of discrimination, based upon religion?		
	Ask the prison authority who the source of contact is to whom prisoners address complaints against prison authority and against other prisoners.		
	Are UTPs provided with any remunerated labor opportunities?		
	Are UTPs allowed to possess personal effects in the prison?		
	Are disabled UTPs given special facilities for movement (I.E. wheelchair ramps/ wheelchairs/ crutches)?		
Management and Staff	How often does the management of the prison change?		
	Are prison officers changed from barrack to barrack? If yes, What is the procedure to change?		
Educational Facilities and Recreation	Is Islamic/religious education available to the prisoners?		
	Is it compulsory for all prisoners to attend those Islamic/religious classes?		
	In what ways is religious education beneficial for prisoners?		
	Is allocation of classes according to barracks?		
	Do religious instructors often change in the prison?		
	Are there any other recreational activities available? What types?		
	What is the process of hiring a religious instructor? Also, what should his or her qualifications be?		
Separation of Categories	How are the barracks divided? That is through age, offence, conviction etc.?		



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Personal Health and Hygiene	Are all prisoners allowed to exercise on an open ground together?		
	At what time does the doctor visit the prison?		
	Does the doctor visit every day?		
	Ask the prison authority whether healthy prisoners are kept separate from prisoners suffering from infectious diseases (such as hepatitis and TB)		
	Ask the prison authority whether they provide clean drinking water to the prisoners with a temperature that is suitable to the climate (I.E. Cold drinking water in summer).		
Discipline and Punishment	To maintain discipline and order in the prison, what types of punishments are given to the prisoners?		
	Are letters written by prisoners screened by prison authorities?		
	How often are search operations carried out in the prison?		
	On whose instructions?		
	What is usually recovered in these operations?		
Part 4: Juvenile Survey			
This survey is only to be used in Juvenile prison together with part one, two and three.			
Vocational, Educational and Health Opportunities	Ask UTP if they are given any vocational training?		
	Was the UTP allowed to continue his education in prison?		
	Ask UTP whether they receive adequate health education. (optional)		
Medical Care	Ask the UTP whether the prison has women staff including female medical staff.		
	Ask the UTP whether she was allowed to contact her relatives and access legal advice at the time of admission.		

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Special Needs of Women	Ask the UTP, who is a caretaker of children in the prison, whether she and/or the children suffered any type of problem whatsoever during admission.		
	Ask the UTP whether special facilities and materials are given to them in order to meet their hygiene needs. This includes sanitary towels and regular supply of water for the personal care of children.		
	Ask the UTP whether Special needs of females, such as pregnancy and lactation are addressed in the prison.		
	Ask the UTP whether the daily barrack search is solely conducted by female staff?		
Discipline and Punishment	Ask the female UTP whether body searches are conducted by female staff?		



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## E. Criminal Justice System Survey- Sindh

Part Two: Questioning for Judiciary			
Judge Name: Court: Years of Service: Date of Survey:			
Category	Indicator	Y/N	Comments
<p style="text-align: center;">The Arrest</p> <p>(To assess whether the Magistrate granted a warrant, whether unreasonable force was used, whether police rules/laws were violated)</p>		N/A	Section: Statute:  Brief Description:
	1.1) Are UTP's informed about the grounds of their arrest as per Article 10 of the Constitution?		
	1.2) Are UTP's allowed to access to a legal practitioner of his choice as per Article 10 of the Constitution.		
	1.1) Do the police send you a copy of the complaint recorded in its station diary if the offence is non-cognizable?		
	1.2) Do you authorize investigation in non-cognizable offences?		
	1.5) Do the police approach you if the offence is non-cognizable to get a warrant for arrest?		
	1.6) Do you grant orders for arrest in non-cognizable cases?		
	1.7 & 1.71) Is force used by the police at the time of arrest? If yes then what kind of force was used?		

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<p>Detention/Remand</p> <p>(To assess whether the Magistrate safeguarded the legal rights of the accused)</p>	2.1) Are UTP's brought straight to Magisterial Courts after arrest or are they kept for 24 hours regardless?		
	2.2) Do you ask UTP's whether they are being presented to you within 24 hours of arrest?		
	2.3) Do judges verify/ask whether the family members of a juvenile have been contacted at the time of presentation for remand?		
	2.1) Does the UTP demand to be presented before Magistrates within 24 hours?		
	2.5) Are such demands to be produced before a magistrate met with consideration by police officials or ignored?		
	2.6) Whether the Magistrate asked any question regarding any maltreatment during investigation/interrogation?		
	2.61) If yes then what action did the Magistrate take against the police officer?	N/A	
	2.7) If the UTP is a female, do magistrates authorize their detention in police custody? (Please see Section 167 (5) Cr.P.C. for reference).		
	2.8) In case the UTP is a juvenile or a female, inquire whether the UTP's are detained in juvenile and women lock up in police stations.		
	3.1) Do you ask the UTP whether the police used any physical force during their interrogations during remand period?		



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<p>Interrogation Techniques</p> <p>(To assess whether the Magistrate was responsive to allegations of physical and/or mental torture while questioning)</p>	3.2) Do you ask the UTP whether the police used threats of violence against a person or family?		
	3.3) Do you ask the UTP whether they were interrogated inside the police station under police detention?		
	3.4) Do you ask the UTP on average how long each interrogation session lasted?	N/A	[insert time duration]
	3.5) Do you ask the UTP whether they were provided with basic essentials and amenities during interrogation periods? (Water, tea, food, cigarettes, etc.)		[insert the name of the basic essential provided]
<p>Basic Rights and Principles</p> <p>(General questions to see whether the basic fundamental rights of the UTP were violated, as per the Constitution of Pakistan)</p>	4.1) Ask the Magistrate whether they believe UTP was subjected to cruel and unusual punishment (this can include corporal punishments and/or undergoing embarrassing situations such as put in “murgha” position) is a violation of fundamental rights?		[insert the type of punishment given to the UTP]
	4.2) Do Magistrates respond positively to applications for medical examinations when torture is being alleged by a UTP?		
	4.3) Do Magistrates feel UTP’s are discriminated by the police during their arrest (based upon religion, political affiliation, ethnicity, freedom of speech, etc.?)		[Insert what was the base of the discrimination: religion, political affiliation, ethnicity, freedom of speech, etc.]
<p>Instruments of Restraint</p>	5.1) Are UTP’s placed under bar fetters as a form of restraint and/or punishment during remand?		

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(To assess whether the UTP's are presented unreasonably restrained – unnecessary use of handcuffs, use of bar fetters, etc.)	5.2) Ask UTP's presented for remand with bar fetters as restraint?		
<p>Transportation to and from Court</p> <p>(This section is important mostly regarding UTPs in Interior Sindh. There is currently no active Women Prison in District, Sukkur which makes it hard for women travelling from prison to court)</p>	6.1) How often does the police take more than an hour to reach the Court?	N/A	[Insert duration]
	6.2) Are UTP's was produced in court easily or do they face difficulties?		[insert the type of difficulties faced by the UTP]
	6.3) How do judges ensure segregation of juveniles?  6.31 & 6.32) Do they keep juvenile trials at a separate time of the day? If yes, when?  6.33) If not, how do they otherwise ensure that juveniles are afforded protection from adult inmates?	N/A	
	6.4) If the UTP whether her children are escorted to and from court along with her.		
<p>The Trial</p> <p>(To assess whether the Magistrate sees trial adjudicated fairly,</p>	7.1) Whether UTP's were provided with Legal Counsel in cases where they could not afford one themselves?		
	7.2) Are Magistrates satisfied with the quality of legal representation provided by the State		
	7.3) On which Counsel account did the adjournment(s) take place?	N/A	



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	7.4 & 7.4(1)) Do Courts make attempts to expedite proceedings? How?		
	7.4(2)) Do they adopt any particular case management techniques to manage their rosters or to minimize delays?		
	7.5) Are complaints against incompetent counsel made before the relevant authority?		
	7.6) Are UTP's produced in all of their proceedings?		
	7.7) Do Courts issue process /warrant against the witness who are not appearing in court for evidence?		
	7.8 & 7.8(1)) Is legal action ever taken against judicial staff and process server who have failed to do their job/ duty. If yes, what legal action?		
	7.9) What is the reason behind the delay in the disposal of the case?	N/A	
	7.10 & 7.10(1)) Are the UTP's advised to plead guilty for a lesser sentence?		[If yes then who advised him/her]
<b>Part Three: Questioning of Prosecutors</b>			
Prosecutor Name: Court: Years of Service: Date of Survey:			
Category	Indicator	Y/N	Comments
		N/A	Section: Statute:  Brief Description:

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<p>The Arrest</p> <p>(To assess the role of the prosecutor during arrest, whether unreasonable force was used, whether police rules/laws were violated)</p>	1.1) Ask the prosecutor whether UTP's are informed about the grounds of their arrest as per Article 10 of the Constitution.		
	1.2) Ask the prosecutor whether the UTP's are allowed access to a legal practitioner of his choice as per Article 10 of the Constitution.		
	1.3) If the offence is non-cognizable then ask the prosecutor whether the police have warrants for arrest?		
	1.4) If the previous question is answered in the negative, ask the prosecutor if the police arrest the UTP with an order from a Magistrate?		
	1.5) Do you have any role when the police present an application for issuance of the warrant in a non-cognizable case?		
	1.6) Do the police inform the UTP of the reasons for the arrest?		
	1.7 & 1.71) Is force used by the police at the time of arrest? What kind of force is used?		
	2.1) Is the UTP taken straight into remand after arrest?		
	2.2) If the UTP is a Juvenile, whether he/she was allowed to inform his family during remand?		
	2.3) Are the UTP's produced in front of a Magistrate within 24 hours?		
	2.4) Does the UTP demand for being produced in front of a Magistrate?		



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<p><b>Detention/Remand</b></p> <p>(To assess whether UTP's are produced in front of a Magistrate within 24 hours, to see if the UTP was treated fairly, the role of the prosecutor etc.)</p>	2.5) Are the UTP's demands to be produced before a magistrate met with consideration by police officials or ignored?	N/A	
	2.6) Are UTP's illegally detained?	N/A	
	2.7) Which places are they detained in?	N/A	
	2.8) Are independent witnesses present during the arrest or recovery?		
	2.9) Are the documents of arrest and recovery were prepared in the presence of UTP and witnesses?		
	2.10) If the UTP was not produced in front of a Magistrate within 24 hours, was a temporary order for police custody issued U/S 21-E of the ATA?		
	2.11) Are any questions regarding any maltreatment during investigation/interrogation asked at remand?		
	2.12) If yes then what action does the Magistrate take against the police officer?	N/A	
	2.13) If the UTP is a female, whether the magistrate authorized their detention in police custody? (Please see Section 167 (5) CrC.P.C. for reference).		
	2.14) In case the UTP is a juvenile or a female, inquire whether the UTP's are detained in juvenile and women lock up in police stations.	N/A	

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<p>Interrogation Techniques</p> <p>(To assess whether the police use physical and/or mental torture while questioning, to see whether the UTP disclosed any information under duress)</p>	3.1) Do the police use any physical force during their interrogations during remand period		
	3.2) Do the police use threats of violence against a person or family?		
	3.3) Are the UTP's interrogated inside the police station under police detention?		
	3.4) On average how long does each interrogation session last?	N/A	[insert time duration]
	3.5) Are recoveries or confessions as a result of such interrogation of benefit to the prosecution?		
	3.6) Are the UTP's provided with basic essentials and amenities during interrogation periods? (Water, tea, food, cigarettes, etc.)		[insert the name of the basic essential provided]
<p>Basic Rights and Principles</p> <p>(General questions to see whether the basic fundamental rights of the UTP were violated, as per the Constitution of Pakistan)</p>	4.1) Are the UTP's subject to cruel and unusual punishment (this can include corporal punishments and/or undergoing embarrassing situations such as put in "murgha" position).		[insert the type of punishment given to the UTP]t
	4.2) In case the UTP was made to undergo corporal punishment or embarrassing situation, do the UTP's submit any application for medical examination before Magistrate or informed the Magistrate during the Remand about the torture being inflicted on him/her?		
	4.3) If yes then what is the response of the Magistrate?	N/A	



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	4.4) Are the UTP's discriminated by the police during their arrest (based upon religion, political affiliation, ethnicity, freedom of speech, etc.?)		[Insert what was the base of the discrimination: religion, political affiliation, ethnicity, freedom of speech, etc.]
	4.5) If the UTP is female, do female police officers conduct body searches and interrogations?		
Instruments of Restraint  (To assess whether the UTP was unreasonable restrained – unnecessary use of handcuffs, use of bar fetters, etc.)	5.1) Are the UTP's placed under bar fetters as a form of restraint and/or punishment during remand?		
	5.2) Are the UTP's constantly placed under handcuffs post-arrest?		
Transportation to and from Court  (This section is important mostly regarding UTPs in Interior Sindh. There is currently no active Women Prison in District, Sukkur which makes it hard for women travelling from prison to court)	6.1) Does it take UTP's more than one hour to reach the Court from police custody?		
	6.2) Are UTP's produced in court easily or do they face difficulties?		[insert the type of difficulties faced by the UTP]
	6.3) If the UTP is a female are her children escorted to and from court along with her.		
	7.1) Ask the prosecutor whether UTP's are provided with Legal Counsel in cases where they could not afford one themselves?		
	7.2) Ask whether the quality of legal representation is good?		
	7.3) On which Counsel account did the adjournment take place?	N/A	
	7.4) Did the Court take any interest in expediting the proceeding?		

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<p>The Trial</p> <p>(To assess whether the prosecutor feels the trial was adjudicated fairly, his or her overall experiences with the trial,).</p>	7.5) Are complaints made by UTP's against state-provided lawyers who do not proceed in the case properly?		
	7.6) Ask the prosecutor whether he or she believes that the trial was fair and just?		
	7.7) Ask whether the UTP was produced in all of their proceedings?		
	7.8) Ask the prosecutor whether judicial staff had issued process /warrant against the witness who are not appearing in court for evidence?		
	7.9) Ask the prosecutor whether judicial staff and process server has failed to do their job/ duty. If yes, has any legal action been taken against him?		
	7.10) Ask the prosecutor as to what is the reason behind the delay in the disposal of cases?	N/A	
	7.11) Ask the prosecutor whether UTP's are advised to plead guilty for a lesser sentence?		[If yes then who advised him/her]
<p>Additions</p>	8.1) After induction in the service, did you receive any training?		
	8.2) Do you scrutinize the challan submitted by the I.O?		
	8.3) What are the standard defects found in challans submitted by the I.O?	N/A	
	8.4) If challan is found defective upon scrutiny, what do you do?	N/A	
	8.5) If an interim challan is submitted, what are the general reasons for its non-completion?	N/A	



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	8.6 & 8.61) Do you seek to postpone the trial based on submission of incomplete challan? (Alternatively ask how often do you seek to postpone?	N/A	
	8.7) If reasons for postponing trial do not seem compelling, how do you proceed?	N/A	
	8.8) What is your average case load?	N/A	
	8.9) How do you manage your case load?	N/A	
	8.10) Do you prepare your cases prior to the date of hearing?		
	8.11) Do you coordinate/meet with the investigating officer at all?		
Part Four: Questioning of Investigating Officers			
I.O. Name: Name of Police Station : Years of Service: Date of Survey:			
		N/A	Section: Statute:  Brief Description:
The Arrest  (To assess whether the I.O. discloses why they are arresting someone, whether unreasonable force was used, whether police rules/laws were violated, whether the police really had a reasonable suspicion)	1.1) Ask the I.O. whether he or she inform UTP's about the grounds of their arrest as per Article 10 of the Constitution.		
	1.2) Ask the I.O. whether UTP's are allowed access to a legal practitioner of their choice as per Article 10 of the Constitution.		
	1.3) If the offence is non-cognizable then ask the I.O, whether they get warrants for arrest?		

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	1.4) If the previous question is answered in the negative, do the police make arrests with orders from a Magistrate?		
	1.5) Do the police inform the UTP of the reasons for the arrest?		
	1.6 & 1.61) Is there any force used by the police at the time of arrest? What kind of force was used?	N/A	
<p style="text-align: center;">Detention/Remand</p> <p>(To assess whether the UTP was produced in front of a Magistrate within 24 hours, to see if the UTP was treated fairly, etc.)</p>	2.1) Do you take UTP's straight into remand?		
	2.2) Do you allow Juveniles to inform his family during remand?		
	2.3) Do you produce UTP's in front of a Magistrate within 24 hours of arrest?		
	2.4) Does the UTPs demand for being produced in front of a Magistrate?		
	2.5) Do you heed to such demands or are such demands ignored?		
	2.6) Which place are detainees detained in?		
	2.7) Are independent witnesses present during the arrest for recovery?		
	2.8) Are documents of arrest and recovery prepared in the presence of UTP and witnesses?		
	2.9) If the UTP was not produced in front of a Magistrate within 24 hours, was a temporary order for police custody issued U/S 21-E of the ATA?		



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	2.10) Ask the I.O. how many days a UTP is kept in remand after being produced in front of a Magistrate? (Please see Section 167 of CR.P.C for reference.)	N/A	[insert number of days]
	2.11) Whether the Magistrates ask any question regarding any maltreatment during investigation/interrogation?		
	2.12) If yes then what action did the Magistrate take against the police officer?	N/A	
	2.13) If the UTP is a female, ask whether the magistrate authorizes their detention in police custody? (Please see Section 167 (5) CR.P.C. for reference).		
	2.14) In case the UTP is a juvenile or a female, inquire whether the UTP is detained in juvenile and women lock up in police stations.	N/A	
1. Interrogation Techniques  2. (To assess whether the police use physical and/or mental torture while questioning, to see whether the UTP disclosed any information under duress)	2.1) Is physical force during interrogations during remand period		
	2.2) Do some police officials use threats of violence against person or family?		
	2.3) Where do interrogations inside the police station take place?	N/A	
	2.4) On average how long does each interrogation session last?	N/A	[insert time duration]
	2.5) Describe the interrogation room to the best of your memory.	N/A	
	2.6) Are UTP's provided with basic essentials and amenities during interrogation periods? (Water, tea, food, cigarettes, etc.)		[insert the name of the basic essential provided]

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<p>Basic Rights and Principles</p> <p>(General questions to see whether the basic fundamental rights of the UTP were violated, as per the Constitution of Pakistan)</p>	4.1) Do you believe UTP's are subject to cruel and unusual punishment (this can include corporal punishments and/or undergoing embarrassing situations such as put in "murgha" position)?		[insert the type of punishment given to the UTP]
	4.2) How often does a UTP submit any application for his medical examination before Magistrate or informed the Magistrate during the Remand about the torture being inflicted on him?		
	4.3) What is the response of the Magistrate?	N/A	
	4.4) If the UTP is female, ask whether female police officers' conduct body searches and interrogations?		
<p>Instruments of Restraint</p> <p>(To assess whether the UTP was unreasonable restrained – unnecessary use of handcuffs, use of bar fetters, etc.)</p>	5.1) Do you place UTP's under bar fetters as a form of restraint and/or punishment during remand?		
<p>Transportation to and from Court</p> <p>(This section is important mostly regarding UTPs in Interior Sindh. There is currently no active Women Prison in District, Sukkur which makes it hard for women travelling from prison to court)</p>	6.1) Does it normally take more than one hour to reach the Court from police custody?		
	6.2) Are there any difficulties in presenting UTP's at Court?		[insert the type of difficulties faced by the UTP]
	6.3) If the UTP is a female ask whether her children are escorted to and from court along with her.		
	6.4) Is the prison van comfortable for the journey?		



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<p>The Trial</p> <p>(To assess whether the UTP feels the trial was adjudicated fairly, his or her overall experiences with the trial, the satisfaction from D/C).</p>	7.1) Are UTP's provided with Legal Counsel in cases where they could not afford one themselves?		
	7.2) Are they good lawyers?		
	7.3) On which Counsel account did the adjournment take place?	N/A	
	7.4) Did the Court take any interest in expediting the proceeding?		
	7.5) Do you believe UTP's are provided with a fair and just trial?		
	7.6) Do you produce UTP's in all of their proceedings?		
	7.7) Does the judicial staff issue process /warrant against the witness who are not appearing in court for evidence?		
	7.8) Has the judicial staff and process server failed to do their job/ duty? If yes, has any legal action been taken against him?		
	7.9) Ask the I.O. as to what is the reason behind the delay in the disposal of the case?	N/A	
	7.10) Are UTP's advised to plead guilty for a lesser sentence?		[If yes then who advised him/her]
<p>Question Related to Re-submission of Challan</p>	Do you submit the complete challan within the period prescribed by the law?		
	Do the prosecutors scrutinize your challan?		
	What are the reasons for submitting incomplete challan to the court?	N/A	
	How often are trials commenced based on incomplete challans?	N/A	

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## F. General Focus Group Discussion

Section \_\_\_\_\_  
 Name of the Interviewer \_\_\_\_\_  
 Date of Visit \_\_\_\_\_  
 Age Group: \_\_\_\_\_

Q1. Since how long have you been in prison? (less than 1 year, 1-3 years, 4-6 years)	
Q2. How would you describe your experience in prison? (Good, Bad or satisfactory)	
Q3. What are your hobbies or everyday activities in prison? What do you do during free time?	
Q4. How did you know about the LAO? Who informed you about the free legal aid assistance?	
Q5. What was your experience before the involvement of the LAO legal advisor in your case? (good, bad, don't know)	
Q6. How is your interaction with the LAO advocate with regards to your case? (good, satisfactory, poor)	
Q7. Would you like to share anything about the progress of your case?	
Q8. How comfortable are you in seeking help from the LAO of free legal aid provided? (Comfortable, Not comfortable, too early to comment)	
Q9. How often do you meet the advocate representing you? (once a month, Twice a week, Rarely)	
Q10. And how many times was your advocate changed by the LAO itself? (Not change, Changed )	
Q11. Where do you feel more comfortable meeting your the LAO lawyer for discussing your case progress? Prison or Court? (Prison ,Court, Both )	
Q12. What would you want to do in future after your release from prison?	
Q13. What can be done to improve the service of legal aid and representation being given by the LAO to inmates?	



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### *G. Report by Pediatrician, Dr. Habiba Hassan*

The ELC started functioning on 8th August 2015; with 11 children aged 2.5 to 9 years who are incarcerated with their mothers. There were 6 girls and 5 boys. They were given Montessori education of the best standard outside the female prison in the premises of the disbanded kitchen. The designing of the teaching schedule was done by several teachers under the leadership of AMI Montessori. The TRC gave the teacher further training. Swings, seesaw, monkey ladders also were there for play, and educational equipment and toys were provided. The objective was to remove them from the depressive atmosphere inside the prison to reduce the traumatic impact in the formative years of their lives, and make them productive citizens of the country.

All the children had a full medical and developmental checkup. Growth charts for height and weight were put on each file. Only one girl was underweight and had a disease of rickets, otherwise, there were no signs of vitamin deficiencies or malnutrition. One child had a persistent skin infection, which took the time to clear up.

Developmentally most were delayed in some areas. This was because of lack of stimulation and guidance from the mother. This is possible because of their low literacy and a preoccupation with their problems leading to anxiety and depression. Most were not toilet trained, could not undress or dress independently. They had not played with blocks and were not used to holding a pencil, therefore, development and IQ assessment using that parameter could not be done. Lines, circles, and squares were made by them and noted on their files. Improvement has been seen in the four months, and a detailed one will be done in a couple of months.

Due to some logistic problem, they were unable to have the full afternoon meal, so the ELC members decided to give them supplemental nutritious food. Presently milk, egg, fruit, and yoghurt drink is being given to them, which they thoroughly relish.

The 10 Children inside the prison premises who are under 2 years of age were also examined, and any complaint rectified. One can see the difference in the behavior of the children after just four months of intervention. They are no longer rowdy, have become disciplined, and sit quietly in the class doing their work. Their level of confidence has increased, and do not shy away from strangers, rather greet them, and say good-bye. They show interest in reading, writing and playing.

I would particularly like to write about two children: A male child aged 3.5 years whose mother is under-trial for murdering her husband is a very intelligent confident boy but was aggressive and unruly. He would run out of the class and beat other children and even adults. He now sits doing his work, though still likes to go out when he gets the opportunity. He is no longer aggressive, rather has become playful. His mother burnt his hand and he came with a blister but took it in stride.

The police when in custody at the 'thana' beat another male child aged 5 years at the age of 4 years. He was afraid of the police and strangers and would shy away from them. Now he is friendly with everyone and doing well in class. His younger brother aged two and a half years, who was also beaten by the police, is not speaking words yet. It seems that this is because of the emotional trauma that he suffered. He was initially put in the ELC but did not settle then. We will try and put him back now into the school so that the fear that he has internalized is eliminated, and then re-evaluate him.

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## H. Report by Psychologist, Dr. Asha Bedar

The LAO has initiated a group support programme for mothers and their children at the Karachi Women's Prison, with the aim of providing basic psychosocial support to them in order to enhance their emotional health and general wellbeing.

WOMEN'S GROUP

Two sessions have been held with mothers to date. The first focussed on assessing the mothers' emotional condition and needs, and the second focussed on existing coping strategies.

During the sessions, most women were open and eager to share their issues and concerns, both regarding their own emotional states and the difficulties they were experiencing with their children. There were no concerning behavioural issues evident from the two sessions.

While there was no individual formal psychological assessment conducted, the discussions clearly revealed high levels of stress and emotional distress. The most common of these was depressive symptomatology, manifesting as low mood, crying, and fits of rage/aggression, hopelessness and a sense of helplessness. Anxiety was also evident in some women who reported that they had trouble sleeping, experienced recurring intrusive thoughts and had night mares. Several factors, as reported by the women themselves, contribute to their stress, which are related both to conditions inside the prison as well as to their lives outside. In addition to the obvious stress of confinement, factors include:

- Separation from their families, especially children;
- Increased distancing/abandonment by family members since imprisonment;
- Lack of adequate food in prison, especially for the children;
- Lack of privacy;
- Constant parenting burden without support and breaks;
- Conflicts with other inmates, sometimes physical in nature;
- Children's distress, difficult behaviour and conflicts with others;
- The attitude of inmates without children towards mothers and their children;
- Boredom/lack of entertainment;
- Recurring thoughts of/regrets about the past;
- Attitudes of the courts, delays and hurdles in appeal procedures, etc., and
- False accusation.

Factors that helped women cope included their own ability to adapt, some of the women's classes that had been started at prison, the sense of responsibility for the children, support from fellow mothers and the ELC for children. While some women do demonstrate some positive coping strategies, such as adaptability, support seeking and verbal expression, which allow many of the women to carry on their daily lives without very obvious signs of emotional disturbance, these alone are insufficient given the environment in which they live along with their children. The need for further support and information sessions, participation in entertaining/skill building activities was expressed by all the women. The ELC was identified as an example of initiatives that create a positive difference in their lives, serving as both a break for the mothers and an opportunity for their children to learn, play and interact with each other in the most normal environment that is possible in a prison setting. The women felt it was important to initiate other such activities both for children and for the women, especially keeping in mind mothers' needs. One such activity may be occasional day-care/babysitting for mothers of young children in order for them to participate in activities and rest.

### CHILDREN'S GROUP

Three sessions have been held with the 11 children at the ELC. The nature of sessions has varied due to the differences in age groups in the class. The focus of all the sessions has been on assessing children's emotional needs and allowing them an opportunity to start to express themselves.

The children's behaviour in class has varied between the age groups, with the youngest group (3.5 years to – 5 years) being the most difficult to engage. In the first group, one or two of the younger children also exhibited some concerning



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behaviour, such as:

Speech delays;

1. Inability to understand and respond to questions, and to follow instructions;
2. very low self-confidence;
3. low or no eye contact
4. difficulties in concentrating
5. low attention span/restlessness; and
6. aggression

Children in the older age group were, however, very eager to participate in the sessions and to talk about themselves. Based on the three sessions held so far, symptoms of anxiety are evident in all the children, including the older ones, but to varying degrees and manifested in different age-related ways. The younger children tend to express their anxiety through either externalising behaviour (e.g., rage and aggression) or internalising behaviour such as being very quiet or distracted. The older children's anxiety is expressed differently, with some overcompensating by excessive talking and fantasizing, and others displaying people pleasing behaviour and imitating others.

The issues identified by the children as being emotionally distressing to them included:

1. Fighting between inmates, including about the children;
2. Their mothers' anger and aggression towards them;
3. Other inmates' aggression towards children;
4. Boredom;
5. Separation from families, including fathers and other siblings;
6. Limited space for play;
7. No access for outdoor entertainment, such as parks, etc.

Positive factors (in response to the question 'What makes you happy/feel better?') included being close to their mothers, having a friend (for older children) and, most of all, coming to the ELC. In all three sessions, the children talked about coming to 'school' every day as being the best thing in their lives in the prison, and as the number one reason for making them happy. Some children wished they could stay at school all day and not have to go back to the barracks at all because of the fun, learning and positive interaction with their teacher.

In relation to the ELC, it must also be mentioned here, that by the third session, improvement was noticed in the difficult behaviours that were displayed in the first session, including better verbal abilities, improved attention, increased eye contact and engagement, with the most noticeable change being a decrease in aggression. These changes were confirmed by the ELC teacher who reported increased engagement and participation, pointing to the very positive impact of the ELC on the children.

Observations of the children's behaviour and an assessment of their responses clearly indicate that there is a great need for initiatives that provide positive experiences for the children, give them a break from the prison environment, that help distract them from their worries and that provide a channel for their emotional expression. The ELC is clearly playing a vital role in this regard and can further expand its work by including other extracurricular and emotional support activities