



MAPPING JUVENILE JUSTICE: LEGISLATION AND DEMOGRAPHICS IN SINDH

Legal Aid Office
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INTRODUCTION

There is universal consensus on the need of extra care and protection and individualized institutional responses for children in a world otherwise dominated by adults. Advances in scientific research and developmental psychology attest to the difference between adolescent brains, that are still evolving, and adult brains. A 'Juvenile Justice System' is an alternative criminal justice system developed for children that takes into account their special mental and physical needs and aims to

segregate them from the formal justice system provided for adults. Juvenile justice systems in developed jurisdictions are evolving overtime to move away from a retribution based model towards one which is rehabilitation and reformation oriented. However, the quality of the juvenile justice system varies from country to country and the situation in developing nations is usually a far cry away from international standards.

The word 'juvenile' comes from the Latin word 'juvenis' which simply means 'young', 'youthful' or 'immature'. With the passage of time, the word has acquired an insinuation of delinquency etching images of children coming into conflict with the law or those associated with crime and violence. In Pakistan, whether you are a child that is undergoing pre-trial detention, convicted and sentenced or merely suspected and stereotyped by law enforcement agencies as culpable of wrongdoing, it is common parlance to be referred to as a 'juvenile' or a 'juvenile offender'. In fact, Pakistan still adheres to the 19th century concept of 'industrial and reformatory schools', albeit in name only, as detention facilities for young persons across the country are called 'Young Offenders Industrial Schools'. This is why many child rights groups and lobbyists campaign for a paradigm shift in the justice system which begins at the very root of linguistic change.

Pakistan is signatory to the Convention on the Rights of the Child ("CRC") (1) which is one of the most ratified human rights treaties in the world. (2) The CRC offers a vision of a child as one which has evolved from a mere recipient of safeguards to an individual holder of legally binding and enforceable rights. The CRC obliges signatory states to ensure children are not subjected to torture or inhuman and degrading treatment; proscribes capital punishment and life imprisonment on those less than 18 years of age; requires arrest, detention and imprisonment of a child are used as measures of last resort and emphasizes on diversion strategies from imprisonment. It further provides for basic procedural safeguards such as the right to legal assistance and separation from adults. (3)

Pakistan ratified the CRC in 1990 and by doing so has committed to 'respect and ensure the rights set forth in the Convention to each child within their jurisdiction without discrimination of any kind...' (4) . However, the reality for children in Pakistan is dismal at best with over 25 million children and adolescents out of school (5) and over 12 million engaged in child labor. (6) This makes the case stronger for a juvenile justice approach that is filtered through a developmental and integrative lens.

This report is based on primary research deduced from face to face interviews conducted with all under trial young persons detained in young offenders industrial schools / sub jail facilities across Sindh during the months of May, June and July 2013. The aim of the report is to carry out a profiling exercise of such young persons commonly known as 'Under Trial Prisoners' and to use the primary data generated to highlight and explore trends, social and cultural factors underpinning the population of young persons that come in conflict with the law in Sindh. The profiling trends generated, in addition to a desk review of relevant legislation and policy is used to make recommendations to policymakers, prison authorities and donor organizations. It is hoped that this report paves way for further



1 Adopted by the United Nations General Assembly on 20th November, 1989.

2 All countries except the United States of America and Somalia (not a democracy) have ratified it.

3 The most specific articles of the CRC in relation to juvenile justice are Articles 37 and 40, which when read with the General Comment No.10, Children's Rights in Juvenile Justice, lay down a comprehensive mechanism that states must comply with in their administration of Juvenile Justice.

4 Convention on the Rights of the Child, Article 2(1)

5 State of Pakistan's Children 2012, by the Society for the Protection of the Rights of the Child (SPARC)

6 Ibid

Legislative Backdrop

23 years into Pakistan's ratification of the CRC, the Government of Pakistan's most noteworthy effort in developing a comprehensive juvenile justice system has been the culmination of the Juvenile Justice System Ordinance ("JJSO") (7) in the year 2000. Prior to this, only two provinces-Sindh and Punjab-had separate juvenile justice legislation in place. (8) However, under a December 2004 Lahore High Court judgment, the JJSO was struck down on the grounds that it was 'impractical' and 'unconstitutional'. On an appeal from child rights organizations and the civil society at large, the Supreme Court temporarily suspended this High Court decision. At the time of writing this report, much uncertainty looms over the fate of the JJSO which remains in a state of legal limbo with the case pending before the Supreme Court.

Minimum Age

According to Article 1 of the CRC, 'a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.' The JJSO resonates with the age threshold and provides juvenile justice protections to all children in conflict with the law who were under the age of 18 at the time of the commission of the offence in question. (9) The Pakistan Penal Code however, pins the age of criminal culpability at 7 years though children between the ages of 7 and 12 are only held criminally responsible if they are determined to have 'attained sufficient maturity of understanding' the consequences of their actions. (10) The CRC has expressed concern

that this age is far too low. (11) Incongruity remains in the law as under the regime of the Hudood Laws of 1979, the definition of a child is simply 'a person who has not attained puberty'. Thus, a 12 year old girl who has attained puberty is legally an adult and can be sentenced to hadd punishment (12) as the JJSO does not override matters covered by Hudood Laws. (13) Another area of quandary is the problem of age determination in a country where birth registration and education is low. Often children and their guardians lack official documentation to attest to the child's age and police officers act on their personal whims and judgment in recording the youth's age at the stage of investigation.

Exclusive Courts and Trials

The JJSO requires the Provincial Government to establish one or more juvenile courts and confers the High Court with the power to designate any Court of Sessions or Judicial Magistrate of the First Class to exercise the power of a Juvenile Court. (14) Further to this, joint trials of accused children with adults are prohibited (15) and the statute goes as far as to proscribe juvenile courts from taking up any other adult case on the same day as a juvenile case (16). The reality is that no separate juvenile court has been established and almost all Courts of Sessions, that are trying adult criminal cases under the general law, are simultaneously attempting to carry out the functions of juvenile courts. Cases are not systematically allocated nor scheduled before courts and hence a problem which can arise in such a situation is where one court trying an adult and the other a juvenile offender, implicated in the same case but tried before

7 Ordinance No. XXII of 2000

8 Sindh Children's Act 1955; Punjab Youthful Offenders Act 1952

9 JJSO, Section 2(b)

10 Pakistan Penal Code, Section 83

11 Concluding Observations of the UN Committee on the Rights of the Child: Pakistan, CRC/C/15/Add.217, 27 October 2003. Accessed on 8th August, 2013 on <http://www.refworld.org/docid/403a24514.html>

12 Hadd punishment means punishment prescribed by the Holy Quran or the Sunnah of the Prophet (PBUH).

13 'Juvenile Justice in South Asia: Improving Protection for Children in Conflict with the Law'. Accessed on 8th August, 2013 on http://www.unicef.org/rosa/juvenile_justice_in_South_Asia.pdf

14 JJSO, Section 4

15 Section 5

16 Section 6

two separate courts, may come up with conflicting judgments. The JJSO doesn't seem to address this issue. Further to this it is suggested that pending the establishment of separate courts, the current set up must bifurcate its operations to schedule all juvenile cases in the late sittings of the day so as to ensure segregation between adult offenders and young persons.

In-camera Proceedings

Other procedural safeguards under the statute include keeping the proceedings in-camera. The proceedings must be closed to the public and the publication of any information in any newspaper, magazine or journal which may lead 'directly or indirectly' to the identification of the child is prohibited unless the Juvenile Court specifically authorizes it. (17) This provision needs to be amended in light of changing times and a galvanized media to specifically cover modes of electronic media like televisions, internet and documentaries where such information may be used and the identity of young persons may be disclosed.

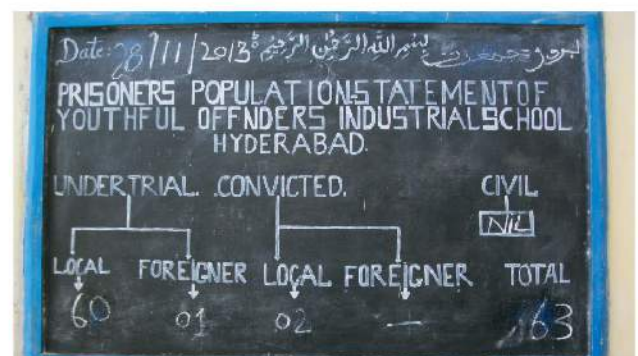
Bars and Fetters

The use of handcuffs, fetters and corporal punishment are banned unless there is reasonable apprehension that the child may escape from custody(18). But juveniles that are brought to court are routinely handcuffed. They also continue to face physical torture, sexual abuse and inhumane treatment at the hands of the police or the jail staff while in custody. This is partly because the law does not impose any penalties on the concerned officials when they fail to fulfill their duties towards young persons.

Legal Aid

The JJSO provides for cases to be disposed within a time frame of 4 months (19) but the experience of the Legal Aid Office, which has represented over 1239 (20) young persons in cases since 2010, shows otherwise. The JJSO framework grants every child accused of an offence or a victim of an offence with the right to legal assistance at the expense of the state through a legal practitioner with at least five years standing at the Bar(21). This is in line with the spirit of the CRC which recognizes the guarantee to 'every child, alleged as or accused of having infringed the penal law...to have legal or other appropriate assistance in the preparation and presentation of his or her defence. (22)' But ground realities show poor levels of implementation of this sacrosanct state duty. The Sindh Juvenile Justice System Rules, 2002 empower Session Court Judges to constitute panels of lawyers for the provision of legal assistance to child offenders (23) and provides ceilings on remuneration of such lawyers (24). Where these panels have been constituted, they remain dysfunctional and lawyers complain of a lack of funding.

At the time of writing this report, the Legal Aid Office represents 39% (122) of all Juvenile under Trial Prisoners in Sindh's four YOIS facilities.



PRISONERS POPULATION STATEMENT OF YOUTHFUL OFFENDERS INDUSTRIAL SCHOOL HYDERABAD.				
UNDER TRIAL		CONVICTED		CIVIL
LOCAL	FOREIGNER	LOCAL	FOREIGNER	TOTAL
60	01	02	—	163

17 JJSO, Section 8

18 Section 12(b)

19 Section 4 (6)

20 This includes juveniles in Remand Home, Karachi.

21 Section 3

22 Article 40 (2) (b) (ii)

23 Rule 3 (2)

24 Rule 3 (3) : The legal practitioner shall be entitled to receive such fee as may be determined by the Sessions Judge but such fee shall not be less than five thousand rupees and more than ten thousand rupees.

Diversions from Imprisonment

Alternatives to imprisonment are emphasized in the JJSO and courts may release children on probation and place them under the care of a suitable guardian or person. (25) Probation officers must assist the Juvenile Court by making a report about the child's character and background, which may then be sent to the child or his guardian. (26) It, again, seems unclear when a probation officer may be asked to report and for what reasons, at what stage of a criminal case it is to be prepared and what use will be made of it. (27) However, with only 18 probation officers in Sindh (28), scarce funds and neglect for the development of the Sindh Reclamation and Probation Department, children released on probation are unable to realize the benefits of an effective probation system and pre-trial detention of juveniles is not reduced. Article 40 (3) (b) of the CRC requires state parties to take measures before trial without resorting to judicial proceedings. Before conducting a formal trial, the Juvenile Court must resort to some case disposal methods for e.g. reconciliation with the victim of the offence, surety by a guardian of the child's future conduct etc. In Pakistan, there are no alternative measures available under the Code of Criminal Procedure at the pre-trial stage. This adds to the huge back log of cases pending before the courts as once you are charged there are no alternative avenues open but litigation in an adversarial court atmosphere. The JJSO should include such pre-trial diversion methodologies so that the juvenile's mind is not stigmatized and he can be reintegrated into society.

Capital Punishment

Pakistan is following an unofficial moratorium on the death penalty, and importantly, for the first time, the JJSO prohibits the death penalty from being imposed on children under the age of 18. (29) Nevertheless, the death sentence continues to be utilized as a sentencing option in the FATA and PATA areas of Pakistan (which are not yet bound by the JJSO). (30)

Pre-detention Protection

The JJSO discusses arrest and especially bail powers (31) in detail but otherwise does not provide adequate protection at the investigation and interrogation stage. The officer in charge of the police station where the child is detained must as soon as possible inform the child's guardian of the child's arrest and the time, date and location of the Juvenile Court before which the child will be produced.



25 JJSO, Section 11

26 JJSO, Section 9

27 Ibid. pp.101

28 Telephone call to the Reclamation & Probation Department Sindh.

29 JJSO, Section 12 (a)

30 In July 2002, two boys were convicted and put on death row having been sentenced to capital punishment by a Court in the Swat district (PATA) of Pakistan. 'Street Children and Juvenile Justice in Pakistan' by Tufail, Feeny and Wernham, AMAL and Consortium for Street Children, 2004. Accessed on 8th August, 2013 on http://www.streetchildren.org.uk/_uploads/Publications/2_Street_Children_and_Juvenile_Justice.pdf

31 JJSO, Section 10

Amnesty International, however, found that in clear violation of the law, children are held in illegal detention in police stations for many days before their parents or guardians even know of their arrest. It has been reported that it is during this period of illegal detention that children are beaten to extract confessions. (32) The officer must also inform a probation officer to enable him to obtain information about the juvenile's background and circumstances. (33) The statute stops short of requiring a parent or concerned adult to be present before interrogation of a young person begins. Children accused of non-bailable offences (34) must be brought before Juvenile Courts within 24 hours from arrest. However, in practice, this time limit is not always met. (35) Reduction in the length of pre-trial detention also depends on the seriousness of the charges. A child who is detained must be released on bail for offences punishable by death, if the trial is not completed within one year; for offences punishable by life imprisonment, if the trial is not completed within six months; for any other offence, if the trial is not completed within four months. (36)

A Profile of Juvenile Under Trial Prisoners in Sindh:

Methodology

The profiling exercise below follows an exploratory approach with a view to investigate and understand the common factors between young persons that come in conflict with the law. The purpose of this exercise is to provide demographic profiling of juvenile under trial prisoners so as to provide insight to policy makers and other stakeholders. The main source of acquiring the primary data for the study was open-ended questionnaires conducted on 228 under trial prisoners at the four juvenile facilities across Sindh, these being, the 'Youthful Offenders Industrial School' ('YOIS') in Karachi, Hyderabad, Larkana and Sukkur. The interviews were conducted from 30th May to 31st July, 2013 and were conversational in nature to allow for more flexibility and in depth information.

Population Statement of Juvenile Jail as it stood at the end of each month

Total Juvenile Offenders	Frequency	Percentage
YOIS Karachi	133	58.3
YOIS Hyderabad	53	23.2
YOIS Sukkur	22	9.7
YOIS Larkana	20	8.8
TOTAL	228	100.00

Name Of Jail	May 2013				June 2013				July 2013				Interviews Conducted
	Convicts	UTPs	Actual Capacity	Authorised Capacity	Convicts	UTPs	Actual Capacity	Authorised Capacity	Convicts	UTPs	Actual Capacity	Authorised Capacity	
Y.O.I.S. Karachi	4	169	182	350	5	164	178	350	5	137	173	350	133
Y.O.I.S. Hyderabad	5	53	62	150	4	58	62	150	4	56	64	150	53
Y.O.I.S. Larkana	1	31	32	40	1	30	31	40	0	24	31	40	20
Y.O.I.S. Sukkur	4	14	20	50	4	16	21	50	4	16	19	50	22
TOTAL	14	271	296	590	14	268	292	590	13	233	287	590	228

32 'Pakistan: Denial of Basic Rights for Child Prisoners', Document ASA 33/011/2003, Amnesty International (2003). Accessed on 8th August, 2013 on <http://www.amnesty.org/en/library/asset/ASA33/011/2003/en/4d4d2fa7-d698-11d1-ab95-a13b602c0642/asa330112003en.pdf>

33 JJSO, Section 10 (1)

34 Offences are divided between categories of 'bailable' and 'non-bailable' under the Code of Criminal Procedure ("CPC"). Section 496 of the CPC deals with bailable offences where there is a presumption of bail

for less serious or non-violent offences, although there are some exceptions. For 'non-bailable offences' the presumption is against bail unless certain criteria applies as per Section 497 of the CPC

35 'Street Children and Juvenile Justice in Pakistan' by Tufail, Feeny and Wernham, AMAL and Consortium for Street Children, 2004

Limitations:

As with research of this nature, a major limitation was time constraints. Since the research was spread over two months, extensive research was difficult. Accessibility of juveniles was another issue. At any given time, all the under trial prisoners mentioned on the list were not available for an interview as some would have gone for their court hearings. The current unrest in Karachi also played a role by delaying many of the jail visits even further. Hence about two, or as need be, three visits per week could be scheduled to gather information from YOIS Karachi.

An important element which had an effect on the accuracy of the data collected through the interviews was the presence of interviewee bias. It is possible that some of the participants who were interviewed might have been giving socially desirable responses. This should be viewed in line of the fact that a prison official was seated near the researchers at all times while the interviews were being conducted. Thus answers given to questions relating to the living conditions and behavior of the officials inside the Jail may not be taken as fully correct. The juveniles might also be hiding their affiliations with religious or political groups due to threats from or loyalty to those groups, again affecting the validity of the research.

A limitation to the profiling is that youth from the Remand Home Karachi are not included in the present research. Remand Home in Karachi, being the only remand home established for juveniles who come in conflict with law, is constituted under Sindh Children Act 1955 where children are held pending their appearance before a magistrate. Under the said Act, a child is defined as a person who has not attained the age of sixteen years. The reason behind the exclusion is attributed to

Measurement errors need to be accounted for, such as, recall difficulties, reluctance of the juveniles in answering certain personal questions, differences in the interpretation of questions among the interviewers and the juveniles and possibly data processing errors. Another concern was that some of the participants did not fully understand the purpose of the interview and were hoping that this would somehow help them out of custody. Despite the abovementioned limitations, it is hoped that this profiling exercise provides a useful start for further research and action.

Age Breakdown:

Age	Number Of UTPs	Percentage
Under 15 Years	46	20.2
16-18 Years	162	71
19-20 Years	18	7.9
Not Available	2	0.9
TOTAL	228	100.00

71% of juvenile Under Trial Prisoners in Sindh were between the ages of 16 and 18, 20.2% were under 15 years of age, 7.9% were between the ages of 19 and 20 and information regarding 0.9% was not available.

Education Breakdown:

Education Level	Number Of UTPs	Percentage
School Education	77	33.8
Uneducated	68	29.8
Madrasah Education (Islamic Seminaries)	40	17.5
Studying In Jail	2	0.9
Not Available	41	18
TOTAL	228	100.00

33.8% of juvenile Under Trial prisoners in Sindh were school educated, 29.8 were uneducated, information regarding 18% was not available, 17.5% were madrassah educated and 0.9% were studying in jail. Details of those who had acquired school and madrassah education are mentioned below.

Madrasah Education Level	Number Of UTPs	Percentage
Quran	19	47.5
Nazra	8	20
Prayers	1	2.5
First Class	1	2.5
Second Class	1	2.5
Third Class	1	2.5
Fourth Class	2	5
Not Known	7	17.5
TOTAL	40	100.00

Out of those that were school educated, 44.1% were educated between 5th class and 10th class, 41.6% were educated till 5th class or less, 10.4% were Matriculate pass and 3.9% completed their intermediate levels.

Of those that received Madrassah schooling, 20% learned Nazra, 47.5% had learned the Holy Quran, 2.5% had learned prayers, 2.5% were first, second and third class educated and 5% were fourth class educated. Details of 17.5% were not known.

Locality Breakdown:

Locality	Number Of UTPs	Percentage
Karachi	90	39.5
Interior Sindh	90	39.5
Punjab	10	4.4
Balochistan	5	2.1
Khyber Pakhtunkhwa	12	5.3
Foreigner	3	1.3
Not Mentioned	18	7.9
TOTAL	228	100

39.5% of juveniles in Sindh were residents of Karachi and Interior Sindh each. Residency of 7.5% was not mentioned, 5.3% were residents of Khyber Pakhtunkhwa and 4.4% were residents of Punjab. 2.1% were residents of Balochistan and 1.3% were foreigners.

Income Breakdown of UTPs:

Income	Number Of UTPs	Percentage
Nil	19	47.5
Rs.5000/- & Less	8	20
Rs.5001/- to Rs.10000/-	1	2.5
Rs.10001 to Rs.15000	1	2.5
Rs.15001/- & More	1	2.5
Joint Family	1	2.5
Not Available	2	5
TOTAL	40	100.00

41.2% of juveniles in Sindh fell under the income bracket of Rs. 5001/- to Rs. 10000/-, 18.9% had no income, 14.5% fell under the income bracket of Rs. 10001/- to Rs. 15000/-, 11% fell under the income bracket of Rs. 5000/- and less, 5.7% fell under the income bracket of Rs. 15001/- and more, no information was available for 5.7% of juveniles and 3% were earning in a joint family system.



Legal Aid	Number Of UTPs	Percentage
Those Who Had An Advocate	199	87.3
Those Who did Bot Have An Advocate	29	12.7
TOTAL	228	100.00

87.3% of juveniles in Sindh had already engaged an Advocate whereas 12.7% did not have an Advocate and required legal aid.

Religious/Political Affiliations	Number Of UTPs	Percentage
No	147	64.5
Yes	24	10.5
Not Available	57	25
TOTAL	228	100.00

64.5% of juveniles in Sindh were not affiliated with any political group and 10.5% were affiliated with a political group. Information regarding 25% of juveniles was not available. Details of the 24 juveniles who were affiliated with certain political parties are mentioned below. 13 out of the total 24 juveniles belonged to PPP, 4 belonged to MQM, 3 belonged to PML-N, 2 were from PTI, 1 was from JUI-F and 1 belonged to Jeay Sindh.

Analysis and Conclusion

Shabbir S/O Riaz Khan (37) is an 18 year old first time offender who used to earn 150 rupees a day by working in the fields all day. When the interviewer asked him the reason for his imprisonment his response was to ask whether she had ever tried to survive on a mere 150 rupees a day with nine other mouths to feed that exclusively relied on him for their daily meals. Being uneducated further paved the way for wrong choices which resulted in his confrontation with the law and ensuing robbery charges that led him to his state of detention. This story comes as no surprise as more youths are caving under the increasing socio-economic burdens being placed on them.

The study shows that young persons that are serving detention in prison facilities whilst awaiting the conclusion of their trial are typically from poor, underprivileged families who have to fight day and night for their survival. They are usually between the ages of 16 and 18, coming within the income bracket of Rs. 5000/- to Rs. 10000/- per month. The nature of the offence that they are charged with is predominantly petty and the majority of them are first-time offenders and with low levels of education.

Illiteracy, poverty , family conflicts, peer pressure, police victimization, negligence on the part of parents and the government all play upon the young minds of these children and lead them towards a life most don't want as a choice.

In addition to the gaps highlighted above and the need for wider reconciliation with international standards, the overall spirit and safeguards of the JJSO have been watered down with a recent amendment in 2012 (38) which permits Anti Terrorism Courts ("ATC") to exercise powers of juvenile courts. The JJSO has not been given an overriding effect under the amendment so juveniles tried by the ATC under the Anti Terrorism Act 1997 may even face the consequence of the death penalty. The widespread lack of awareness and implementation of the principles that are currently enshrined in the JJSO has been noted by the CRC which expressed concern 'at the poor implementation of this Ordinance and that many of the authorities in charge of its implementation...are unaware of its existence.'

37 Names have been changed for the sake of confidentiality and anonymity.

38 Juvenile Justice System (Amendment) Ordinance 2012

A study by Amnesty International in 2003 identified that at each stage of arrest, trial and imprisonment, there was wide-scale failure of the Provincial Governments to implement the provisions of the JJSO. (39) Whilst there is much room for modification and further amendments to the JJSO, it currently holds limited sway- as without implementation it is no more than a toothless watchdog over the protection of the rights of children in detention.

Children are said to be the future leaders of a nation but this is hard to believe in a nation like Pakistan where they battle for survival from their very first breath. There is a need for a paradigm shift in the perception of children and in the sanctity of their rights by key players in the criminal justice system. The gap between what the statute book and policymakers envision; what child's right organizations and activists lobby for and what grass root level actors such as jail wardens and investigation officers need to implement and safeguard has to be bridged with sensitization, training and accountability.



39 'Pakistan: Denial of Basic Rights for Child Prisoners', Document ASA 33/011/2003, Amnesty International (2003).



Recommendations

- The Supreme Court must give a final decision in the case challenging the status of the JJSO so that further revisions and amendments to the law can be made.
- JJSO should be applied to all provinces of Pakistan i.e. Sindh, Punjab, Balochistan and KPK and PATA and FATA regions and obsolete sections of the Sindh Children Act 1955 must be repealed.
- Juvenile laws should include a realistic and internationally acceptable age of criminal responsibility taking into account the maturity of the child.
- There is immediate need to establish exclusive juvenile courts and pending this establishment, proper methods for allocation and scheduling of cases needs to be devised and implemented to grant juveniles trials which are truly segregated from the adversarial adult environment.
- There must be systematic registrations of all births across the country and proper age determination procedures should be established and implemented to include age determination by a medical officer at the investigation stage.
- The probation system envisioned in the JJSO must be given funding priority and developed to attain its true potential of reducing pre-trial detention in detention facilities.
- In line with international standards , which state that children should only be detained as a matter of last resort and for the shortest possible time, the Government of Pakistan should develop non-custodial sentences aimed at rehabilitating juvenile offenders. Other diversion options such as warnings and cautions should be introduced so as to limit the use of imprisonment as a sentencing philosophy.
- It must be ensured that children in custody are protected from torture and ill treatment whether by officials or other detainees. Social worker panels must be created that visit police lock ups regularly.
- There must be a requirement in the law mandating the presence of a parent or relevant guardian at the after arrest stage before the police can start interviewing a young person.
- The time period of police detention should also be limited. This is because the longer the period spent in police custody without the knowledge of family members or a guardian or the court system, the greater the risk exists of violence and abuse taking place.
- The range of actors involved in the juvenile system i.e. police, judges, lawyers, probation officers and jail officials should all be given focused training.
- Opportunities to continue education inside YOIS must be available.



Legal Aid Office

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