

# National Juvenile Justice Network (NJJN)

Date: 31 May 2011- Reference: NJJN-04/2011

The Permanent Mission,  
To the United Nations and Other International Organization,  
Geneva- Switzerland,

## **Subject: Inhuman and degrading sentences for child offenders in Pakistan**

AGHS

Aurat  
Foundation

Azad  
Foundation

CLAAS

CRLC

Dost Welfare  
Foundation

HRCP

Legal Aid Office

LHRLA

Rehai

Sahil

Sanjog

SEHER

SHARP

SPARC

Voice of  
Prisoners

**Observers:**

Plan Pakistan

Save the  
Children

Respected Sir:

The NJJN, Child Rights Information Network and Defence for Children International have observed that children are being put through inhuman and degrading treatment and punishments for various reasons, the foremost amongst which are the overriding powers of other laws over the JJSO, lack of implementation of the Juvenile Justice System Ordinance. Children may lawfully be sentenced to the death penalty, life imprisonment and corporal punishment under these laws.

Child alleged offenders are being tried in special Courts under the Anti-Terrorism Act 1997 and the Control of Narcotic Substances Act 1997 both of which endorse the death penalty. The Jail Manual also authorizes jail authorities to apply strict punishments for disciplining juveniles. Although the JJSO has been extended to FATA, the Rules have not been framed nor has a system been placed. The region is being run under the Frontier Crimes Regulation (FCR) 1901 which contains a dangerous provision in Section 21 allowing it to implement the seizure/ confiscation of property and the arrest and detention of an individual without due process, known as the 'collective responsibility clause'.

In June 2010, the representatives of NJJN member organizations met with Mewal Shah, 20, in Mach Jail Balochistan who was awarded a death sentence by the Anti-Terrorism Court in Mastung when he was just 14 years. After four years in solitary confinement in death cell, his sentence was commuted by the High Court in Balochistan to 25 years' rigorous imprisonment. During his stay in the death cell he went through a serious psychological trauma and incarceration process. He said that at this moment four other juvenile offenders living in death cells of the same jail were going through the same psychological trauma as Mewal had been to. These boys are Bhai Khan Chandio, 17, Naseerullah Langov 17, Sarfaraz 16, and Zahoor Jakhrani, 16. All of them were awarded death sentence on the account of murders by different lower Courts in Balochistan and their appeals were pending in High Courts. During a visit of the Borstal Institute & Juvenile Jail, NJJN member organization met with 15 juvenile offenders who were sentenced to rigorous imprisonment and kept in solitary confinement under the orders of the Anti Terrorism Courts in Faisalabad and Multan. One of the juvenile had been sentenced to 492 years in jail by the ATC Multan. Currently there are 47 and 33 child offenders in Faisalabad Borstal Institute and Juvenile Jail and Bahawalpur Borstal Institute and Juvenile Jail awarded rigorous imprisonment by Courts. Hundred such children are in other jails of Pakistan.

Pakistan is a party to the UN Convention on the Rights of the Child (CRC), Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the International Covenant on Civil and Political Rights (ICCPR) where Article 37 of the CRC, Article 7 of the ICCPR and Article 2 of the CAT state that no person including a child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

CRIN, DCI-IS and the NJJN request your good office to intervene in the matter and may further request the Prime of Pakistan for constituting a committee to review laws and practices that make children subject of inhuman and degrading treatment or punishment which includes life imprisonment and rigorous imprisonment.

Abdullah Khoso  
Coordinator NJJN

CC: Interagency Panel Juvenile Justice, Defence for Children International-IS and Child Rights Information Network

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**Juvenile Justice is the basic right of every child who come in conflict with law**