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**A seminar on 'Jail Reforms in Pakistan**

**Participants:**

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2. Ms. Kashmala Tariq (MNA) Exec. Director, PCHR
3. Ms. Mehnaz Rafi (MNA) Director, PCHR
4. Mr. M. Abbas Kumeli (Senator)
5. Brig. Moez Mughni IG Prisons (Sindh)
6. Dr. Faqir Hussain Secretary Law & Justice Commission of Pakistan
7. Syed Liaquat Banori Chairman, SHARP
8. Mr. Shafique Choudhry Chief Coordinator, PCHR
9. Ms. Ellen Goelz German Embassy
10. Ms. Sabah Malik Dutch Embassy
11. Ms. Nazoola HRCP
12. Ms. Jia Chaudhry HRCP
13. Mr. Ilyas Chaudhry Daily Jang
14. Mr. M. Ishaq Aurat Foundation
15. Ms. Ghazala Ahsan Aurat Foundation
16. Ms. Saadia Mumtaz Aurat Foundation
17. Mirza Shafique President, All Pak Sizing Industries Association
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20. Mr. Tahir Razaq Deputy Coordinator, DHRMC Faisalabad
21. Khalid Sulehri Human Rights Observer

**Context:**

The seminar was held on jail reforms in Pakistan. The main thrust of the seminar was to discuss jail reforms in Pakistan in the light of views and insights of concerned officials, parliamentarians and civil society representatives. The proposed jail reforms put forward earlier by the Law & Justice Commission of Pakistan also came under discussion. Furthermore, keeping into consideration the present needs, recommendations vis a vis jail reforms were also advanced. In a nutshell, the seminar aimed at contemplating a comprehensive strategy on jail reforms by seeking inputs from various experts and benefiting from earlier proposed jail reforms by government agencies concerned.

## **The Statement of Problem**

Prisons can play an instrumental role in stifling crime in any society through preventive and reformatory measures. This is an institution that can bring about behavioural reforms among the individuals who have committed crimes, if the intent is pure. If prisons are taken just as places to detain prisoners then they may further the number of crimes in the society. Unfortunately, Pakistan has a similar jail system where prisoners languish only to become a nonfunctional organ in their later life.

Their plight can be depicted in the delayed and time-consuming trial system and the living conditions they have in jails. The under-trial prisoners have to unduly await the trial process. Most of them spend more time in prison than the actual duration of the

imprisonment that could be awarded against the committed crime. On the other hand, their stay at jails is another troublesome experience. There are total 80 jails in the country with an authorized capacity of 35,365 prisoners; while presently they house 81,450 prisoners. It is far difficult to think of better living conditions having seen the rate of over-crowdedness.

The plight of prisoners is not limited to poor living conditions owing to saturation rather it also embraces the menace of delay in trials. This is manifested in the bigger proportion of the under-trial prisoners in jails as compared to the relatively smaller proportion of that of convicted prisoners. This indicates that the trial system is not fluent and vibrant.

The dismal state of prisoners' rights is attributable to the delayed and time-consuming trial processes. This, in turn, gives birth to the menace of over-crowdedness in jails at an alarming level. The overcrowded jails have to face the problem of lack of funds and facilities. This can only be addressed by ensuring the expeditious trial system. The majority of under-trial prisoners is innocent as evident from the conviction ratio, which is between 10 to 15%.

The criminal system of Pakistan cannot expeditiously settle the case and the inmates have to languish in jails for long. It is also a pity that since the most of inmates have those whose trial is under process and, therefore, have not been convicted, are also considered as prisoners, which is an unjust handling. It is also seen that a number of prisoners receive severe sentences against the nature of crimes. Therefore, the sentence should be in accordance with the gravity of the crime committed. Our judicial system has not been effective in granting bails to the deserving under-trial prisoners, albeit, there is a provision in Criminal Procedural Code (CPC) that bail can be granted if the trial and the subsequent ruling of case are delayed.

It is also seen that the cases, which have death sentence, available are often consume

more time. The case pertaining to murder should be decided within the span of two years. The cases of under-trial prisoners are also delayed owing to lack of transportation facilities to prisoners. However, recently, a few steps have been taken in Sindh to improve the conditions whereby 20 courts are established in jails for speedy trials. Sixteen of them are set up through the Access-to-Justice Programme launched by the Asian development Bank.

The plight of vulnerable prisoners including females and juveniles is even worse. The facilities provided to females are quite insufficient. They also need to be kept separated; a problem which is not being focused on in every jail. Juveniles should not be subjected to hard labour. Free legal aid should be provided to juvenile prisoners. In addition, judgment on juvenile cases should be given within one year. The rights of foreign prisoners are also endangered in the Pakistani jails. Most of them have not resources to pursue their cases in courts. No free legal aid is given to them. They are also not provided proper and separate food.

Narcotics are rampant in jails. Drug mafia has access to those prisoners who are drug addicts. Not only the addict prisoners have access to drugs at jails but also this material easily falls in the reach of first-time users. Prisoners are not provided with employment opportunities in accordance with their skills and education. There is no capacity-building prospectus for prisoners in jails. The prisoners have no telephone facility available to them and they feel inconvenience in staying disconnected with their families as well as legal advisors. This situation increases the load of visitors in jails.

The life at death cell is a harsh one as the number of prisoners exceeds the authorized capacity of cell. The death row prisoner is allowed to walk only one hour a day. The dreaded atmosphere of these cells makes the situation morbid. On the other hand, the vice of sectarianism has permeated into jails. Wall slogans read sectarianism igniting sentences. Defunct sectarian outfits are injecting the poison of sectarianism into prisoners. It is also commonly noticed that sometimes the powers vested in the Jail Superintendent lead to arbitrary decisions. Therefore, the power of Jail Superintendent should be subject to right to appeal by a prisoner.

When it comes to the administrative aspect of the issue, corruption stands salient therein. Corruption has pervaded even in minute spheres. Whether it's the provision of food, meeting with visitors or the extension of basic facilities, bribery is a lingua franca. One of the major reasons of corruption is the meager allocation of funds for jails. The amount of Rs. 13 is allowed as per official allocation for three times food a day to each prisoner. The infrastructure of jails is insufficient in the face of multifaceted needs of prisoners. As in Karachi Jail, there is no ambulance officially given to it while a local NGO is providing this facility. The human resource available in jails is also scarce. In Karachi, 2,200 staff is working for the jail having 22,000 inmates.

It can safely be argued that the minimum rules for the treatment of prisoners as envisaged by the United Nations are not being implemented in Pakistan. The plight of prisoners in Pakistan is far from satisfactory and requires a systemic solution encompassing all the aspects of the problem.

### **Recommendations**

- Ø Steps should be taken to ensure the expeditious trial system.
  - Ø The sentence should be in accordance with the gravity of the crime committed.
  - Ø The cases having death penalty available should be ruled within two years.
  - Ø The right of bail must be granted to prisoner, as per Cr.P.C., whose trial is delayed.
  - Ø The vulnerable prisoners like females and juveniles should be kept separated.
  - Ø Free legal aid must be assured to juveniles.
  - Ø The cases of juveniles must be disposed of within one year.
  - Ø Foreign prisoners should be extended free legal aid.
  - Ø The capacity building of prisoners should be undertaken by initiating small projects and providing job opportunities in accordance with their skills and education.
  - Ø Prisoners should be provided with telephone facility.
  - Ø The conditions of death cell must be improved by enlarging the capacity of cells.
  - Ø The walk time of prisoners should be increased from one hour to two hours.
  - Ø The powers of Jails Superintendent should be subject to right to bail by the prisoners.
  - Ø The allocation of funds for jails and prisoners should substantially be increased.
  - Ø Proper medical facilities and infrastructure should be available for prisoners in jails.
  - Ø Education facilities should be provided to prisoners.
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