

# CHILDREN IN CONFLICT WITH LAW

A SOCIOECONOMIC MAPPING OF DETAINED CHILDREN





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*A nation that does not care for and protect all its  
children does not deserve to be called a nation.*

*— Nelson Mandela*

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Finally, we owe a tremendous debt of gratitude to the children and parents whose lives, experiences, and opinions form the basis of this report, and without whom none of this would have been possible.



# MESSAGE FROM THE SECRETARY LAW AND PARLIAMENTARY AFFAIRS GOVERNMENT OF SINDH

The Law, Parliamentary Affairs and Criminal Prosecution Department, of the Government of Sindh and its attached departments such as the Office of the Prosecutor General Sindh play an instrumental role in the development and enforcement of a legal framework for children in conflict with the law. The Juvenile Justice System Act (JJSA) 2018 envisions a structure that emphasizes rehabilitation over punishment. This aligns Pakistan's treatment of children in conflict with the law according to international norms and standards. It is necessary however, to continue working on operationalizing the rehabilitative provisions of the Juvenile Justice System Act (JJSA) and to strengthen non-custodial measures for this vulnerable population.

The first step towards making meaningful strides in this direction is the collection of baseline data that sheds light on how and why children in our society come into conflict with the law. This report contributes substantially to that goal by mapping out the socio-economic characteristics of incarcerated children in Sindh. The report demonstrates how structural inequality and deprivation creates conditions that are conducive to children coming into conflict with the law.

The Law Department is dedicated to playing its part in improving the Juvenile Justice System in the province. It is committed to work with all the relevant departments that will enable in creating a system that will keep our children out of prisons and provide our children with the necessary support for rehabilitation and reintegration into society.

**Dr. Mansoor Abbas Rizvi**  
Secretary Law & Parliamentary Affairs  
Government of Sindh

# MESSAGE FROM THE ADVISOR TO CHIEF MINISTER FOR LAW, ENVIRONMENT, CLIMATE CHANGE AND COASTAL DEVELOPMENT GOVERNMENT OF SINDH

The Law, Parliamentary Affairs and Criminal Prosecution Department is cognizant of the importance of developing a legal system that caters to the unique vulnerabilities of children in conflict with the law. The Government of Sindh has a long history of enacting legislation to cater to the unique vulnerabilities and sensitivities of such children. This includes the Sindh Children's Act 1955, the Sindh Borstal Schools Act 1955, and the Sindh Child Protection Authority Act, 2011. The 2011 Act establishes institutional mechanisms such as Child Protection Units for the protection of children at risk of abuse and violence. In addition, Sindh is committed to building upon the framework laid out in the Juvenile Justice System Act (JJSA) of 2018, which focuses on rehabilitation for children in conflict with the law and diverting them away from the criminal justice system using tools such as diversion and probation.

The “Children in Conflict with Law” report provides key insights on the social and economic demographics of the detained population of children in Sindh's Youthful Offenders Industrial Schools (YOIS) and Remand Home. We firmly believe that any progress made in the juvenile justice sector must be based on empirical evidence, and this report is the first step in this direction. In addition to social and economic demographics, it provides vital information regarding the kinds of criminal activities for which children in Sindh have been arrested, and sheds light on how they understand and experience safety, violence, and crime in their personal lives and neighbourhood. This report represents a meaningful contribution towards generating baseline data to support future policy-making.

We remain committed to playing a leading role in improving the justice system and justice outcomes for children in conflict with law, so that those most vulnerable in our society are placed on a path of reform and reintegration.

**Barrister Murtaza Wahab**

Advisor to Chief Minister of Law, Environment, Climate Change and Coastal Development,  
Government of Sindh

## MESSAGE FROM CHAIRPERSON LEGAL AID SOCIETY

The Legal Aid Society's (LAS) mission is to connect vulnerable populations with effective and expedient services for the delivery of justice. In furtherance of this mission, the organization has directed its efforts to all areas of criminal justice reform, including juvenile justice and child protection in Sindh.

LAS' work includes the capacity building of criminal justice system actors on the Juvenile Justice System Act 2018, holding legal literacy classes with juveniles in prisons, establishing referral linkages with Child Protection Units across Sindh, and representing child victims of sexual violence in court. An essential component of LAS' work also includes conducting data-driven research that can form the basis for future policy-making and can be a source of insight and information for legal actors in the justice sector. Bringing together LAS' commitment to juvenile justice and the need for empirical research on this vulnerable population, this study was conducted in 2019 to better understand the juvenile population in Sindh. It is meant to assist the Sindh Government to further the progressive goals of the JJSA 2018, that is, to focus on rehabilitating children rather than incarcerating them. At LAS, we strongly believe that an improvement in the juvenile justice and child protection system should be undertaken through coordinated efforts with key stakeholders. The "Children in Conflict with Law" represents a timely contribution to this effort which is necessary for creating a system that is more responsive to the unique vulnerabilities of children in conflict with the law.

Justice Nasir Aslam Zahid  
Chairperson  
Legal Aid Society



# TABLE OF CONTENTS

Message from the Secretary Law & Parliamentary Affairs, Government of Sindh	v
Message from the Advisor to Chief Minister for Law, Environment, Climate Change and Coastal Development Government of Sindh	vi
Message from Chairperson, Legal Aid Society	vii
ACRONYMS	01
EXECUTIVE SUMMARY	03
<b>1 INTRODUCTION</b>	<b>05</b>
1.1 Objectives	05
1.2 Method	05
1.3 Ethical Considerations	06
1.4 Limitations	07
<b>2 REVIEW OF LITERATURE</b>	<b>09</b>
2.1 Urban Crime	09
2.2 Children in Conflict with Law	10
<b>3 LEGAL FRAMEWORK FOR CHILD OFFENDERS</b>	<b>13</b>
<b>4 FINDINGS AND DISCUSSION</b>	<b>15</b>
4.1 Profile of Detention Facilities	15
4.2 Profile of Children in Detention	15
4.2.1 Under Trial or Convicted	15
4.2.2 Detention Times	16
4.2.3 Crimes	16
4.2.4 Age, Religion, Marital Status & Ethnicity	19
4.2.5 Residential Districts	19
4.2.6 Criminal Charges by District	20
4.2.7 Recidivism	21
4.2.8 Education	22
4.2.9 Employment	23
4.2.10 Income	24
4.3 Sources of Influence	25
4.3.1 Family	25
4.3.2 Political Participation	28
4.3.3 Membership in Gangs	29
4.3.4 Drug Use	30
4.4 The Child Offender as Victim	31
4.4.1 Neighbourhood Crime, Violence, and Perceptions of Safety	31
4.4.2 Perceptions of Violence and Safety at Home	33
4.5 Perceptions of Why Children Commit Crimes	35

5	REFLECTIONS & RECOMMENDATIONS	37
5.1	Enhancing Children-Sensitive Justice in the Criminal Justice System	37
5.1.1	The Police	37
5.1.2	Prisons	38
5.1.3	Probation and Diversion	39
5.1.4	The Courts	40
5.2	Institutional Arrangements for Child Protection	41
5.3	Drug Rehabilitation Initiatives	41
5.4	Child & Youth Participatory Community-Based Prevention	41
5.5	Supporting Further Research	42
	REFERENCES	43
Appendix 1	Survey Results	53
	§1. Crime Patterns (Q. 1-6)	53
	§2. Socio-Economic Characteristics (Q. 1-30)	56
	§3. Political Participation, Gangs, Drug Use (Q. 31-44)	65
	§4. Experience of Crime & Violence (Q. 45-60)	69
Appendix 2	Semi-Structured Interviews of Juveniles, and their Parents	75
Appendix 3	Sections of law under which juveniles were charged	76
Appendix 4	International Classification of Crime for Statistical Purposes (ICCS)	85
Appendix 5	International Standard Classification of Occupations (ISCO-08)	86

## ACRONYMS

BOCSAR	Bureau of Crime Statistics and Research (New South Wales, Australia)
CWP	Committee for the Welfare of Prisoners – Legal Aid Office (LAO)
HEUNI	European Institute for Crime Prevention and Control (Affiliated with the UN)
ICCS	International Classification of Crime for Statistical Purposes
ICRC	International Committee of the Red Cross
IGME	[UN] Inter-Agency Group for Child Mortality Estimation
JJR	Juvenile Justice Rules, 2002
JJSA	Juvenile Justice System Act 2018
JJSO	Juvenile Justice System Ordinance, 2000
KPK	Khyber Pukhtunkhwa (former NWFP)
LAO	Legal Aid Office, Karachi
LAS	Legal Aid Society, Karachi
MQM	Muttaheda Qaumi Mahaz
NGO	Non-Government Organisation
NWFP	North-West Frontier Province (now Khyber Pakhtunkhwa)
PEHO	The Prohibition (Enforcement of Hadd) Order, 1979
PJC	Pakistan Journal of Criminology
PMLN	Pakistan Muslim League (Nawaz)
PPC	Pakistan Penal Code, 1860
PPP	Pakistan People's Party
PSC	Pakistan Society of Criminology
PTI	Pakistan Tehreek-e Insaf
RHCS	Remand Home & Certified School, Karachi (Remand Home)
UN	United Nations
UNAFEI	UN Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders
UNCRC	UN Convention on the Rights of Child
UNDP	UN Development Programme
UNHCR	UN High Commissioner for Refugees
UNICEF	UN Children's Fund (originally known as the United Nations International Children's Emergency Fund)
UNODC	UN Office on Drugs and Crime
UTP	Under Trial Prisoner
YOIS	Youthful Offenders' Industrial School



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## EXECUTIVE SUMMARY

This study is based on a survey of the entire population of children in detention in Karachi and interviews with a smaller sample of detained children and their parents, conducted during June–August 2019. The total detained children’s population consisted of 149 males under the age of 18, of whom 2 were convicts and the rest were under trial. The study reveals the kinds of criminal activities for which urban children are charged and arrested, maps the social, economic, and political demographics of this incarcerated population, and sheds light on the children’s experience of safety and violence in their personal lives and neighbourhoods. Our findings demonstrate how structural inequality and deprivation creates conditions that are conducive to children coming into conflict with law.

All six districts in Karachi were equally represented in the detained population. Children were generally arrested for petty crimes involving theft, dacoity, possession of pistols and/or small quantities of controlled substances, or combinations of these. Most had achieved only low levels of education, if any, and were employed at low-income jobs in a variety of sectors, along with other family members. Almost all reported that their households struggled to afford basic household expenditures. In terms of familial preference for political parties, the Pakistan People’s Party (PPP) followed by Pakistan Tehreek-e Insaaf (PTI) constituted a majority of responses –however, most indicated that they personally did not support any political party. The study revealed a disturbingly high degree of drug use among this population, with the most popular drug being hashish (*charas*).

Parents revealed a tremendous degree of frustration about their children’s downward spiral after succumbing to drug use and addiction. Parents largely did not identify structural factors as being responsible for youth crime but emphasized the importance of family upbringing and values. Children, on the other hand, pointed to poverty, boredom, and thrill-seeking as causes for children turning to crime. Children also showed troubling levels of desensitization towards violence in the home, and parents appeared to be inflicting violence on them out of helplessness and anger at their own failure to prevent them from associating with troublesome groups of boys in the neighbourhood, and from doing drugs.

Reflecting on the above findings, the study concludes by offering some thoughts and suggestions on some priority areas, which include the need to design and implement programs for community intervention, provide greater support to institutions of criminal justice by involving social scientists with specialised knowledge of children, undertake drug rehabilitation initiatives, establish institutions to monitor compliance with national and international laws that contain protective provisions for children in conflict with law, and provide government support to research efforts to generate meaningful baseline data to support policy-making.



# 1. INTRODUCTION

In the field of child justice, the phrase “children in conflict with the law” refers to persons under the age of 18 who have come into contact with the criminal justice system and are suspected of committing a crime. This report defines “child” as individuals under the age of eighteen, in line with Pakistan’s Juvenile Justice System Act, 2018 (“JJSA”) and international standards. It focuses on children in conflict with the law in the city of Karachi. Its two sites of focus are Karachi’s Youthful Offenders Industrial School (“YOIS”) and the Remand Home and Certified School (“RHCS”) or “Remand Home”, which together housed 149 children during the data collection phase of this study.

## 1.1. Objectives

The objectives of this study are threefold: first, to show the types of criminal activities in which urban youth in Karachi are involved; second, to determine whether demographic, social, and economic vulnerability links with children coming into conflict with law; and finally, to shed light on how child offenders understand and experience safety, violence, and crime in their personal lives and neighbourhoods.

Specifically, this study was undertaken over a three-month period (June–August 2019) with the entire children’s population in the Karachi Youthful Offender Industrial School (YOIS) and the Karachi Remand Home. Permissions were obtained from the Government to conduct research with the detained children after explaining the nature and purpose of the research project. Of the total 149 children surveyed in the two-month duration, 40 were detained in the Remand Home and 109 in the YOIS. With the exception of 2 children in the YOIS, all were “Under Trial Prisoners” (UTPs), a commonly-used phrase in Pakistan to denote all adults and children whose criminal cases are still pending before courts of law.

## 1.2. Method

Our methodology consisted of a mixed methods approach. First, a literature review was conducted on existing studies in Pakistan dealing with prison populations and correlating factors linked to youth crime. This was supplemented by literature on structural violence and inequality, along with theories of “juvenile delinquency” that centre social and family processes such as the effect of home, school, and peers on youths who commit crimes. Next, three research tools were designed based on the literature and in consultation with research methodology experts.

The first was a survey questionnaire (at Appendix 1, with results) to determine common indicators of social and economic inequality in the lives of detained children along with any history of prior conflict with the criminal justice system, and the crimes for which they were currently arrested. This survey was administered to all children detained within the timeframe of the study. Since it was unreasonable to expect all children to remember the sections of law under which they were arrested, their answers were compared with the official list maintained by the prison authorities of detained individuals and the section(s) of law with which they were charged. Where discrepancies were found, we reported the charges from the official prison list. Similarly, children’s answers on whether they had been arrested before were compared with official data for prior arrests and corresponding sections of law and in cases of discrepancy, the data in the official lists were reported.

The second tool was a semi-structured interview of a random sample of 15% of the children to gain a better understanding of their perceptions of violence and safety in their own lives (at Appendix 2). Of the 22 children interviewed, 6 were in the Remand Home and 16 in the YOIS.

The third was a semi-structured interview of a 10% sample of the children’s parents to provide corroboration of or new insights on risk factors and causes of youth urban crime (at Appendix 2). In the few cases where parents were either unavailable or not in the picture for one reason or another, our researchers administered the

questionnaire to the oldest sibling of the child. The results of these latter surveys are not reported separately, as researchers made sure that the older sibling interviewed was, in fact, in a position of authority in the home, and assuming and discharging the obligations and responsibilities of a parent.

### **1.3. Ethical Considerations**

Human research in prison populations raises unique ethical questions and considerations, and this study acknowledges at the outset both that the prison is an inherently coercive environment and that research with children requires special care.<sup>1</sup> Two ethical principles have been commonly identified as necessary to guide research in prisons: respect for persons and justice.<sup>2</sup> Research with detained children, in particular, must take into account the unique vulnerabilities of children while balancing the need for empirical research to develop effective policy measures to reduce the incidence of juvenile conflict with law and recidivism.

The age at which individuals are able to consent to being research subjects varies by country and sub-national units. Where it is found that children are under the age of consent, their agreement to participate (“assent” rather than “consent”) is sought, along with permission of parents or guardians.<sup>3</sup> While there is no formal legal guidance in Pakistan on the specific context of research ethics with children, the research for this report was based on these principles and all efforts possible were made to mitigate the risk of undue inducement and coercion.

Assent requires researchers to ensure that “youths clearly recognize the purpose of the study; the procedures in which they will be involved; the risks and benefits of participating; the voluntary nature of their decisions to participate or not participate; and the lack of impact that their decisions will have on their treatment at the facilities, upcoming juvenile justice hearings, and/or placements or discharges.”<sup>4</sup> Our research team therefore explained the scope of the study to the children in simple, comprehensible language. While the survey was designed in English, it was administered in Urdu, and in some cases, where children were more comfortable in regional languages, Sindhi and Pashto were also utilized.

Children were told that the study was anonymous, voluntary, and had no bearing –negative or positive –on their pending court cases. This final point was emphasized to ensure that children understood that participation did not lead to any concrete benefits or risks; rather, the purpose of the study was to help policymakers understand who is in jail, why, and what should be done about it. Interviewees were further told that there was no right or wrong answer to any of the questions, and that if they were asked anything that made them uncomfortable, they did not have to respond.

It is important to note that unlike much research with incarcerated populations where there is no prior relationship between researcher and subject, research in this case was supervised and conducted by a team of people who have almost weekly interactions with the detained children and strong working relationships with the prison administration. Many of the children surveyed and interviewed are represented by lawyers from the Legal Aid Society’s sister organization, the Legal Aid Office (LAO), and the lawyers were present to introduce the children to other members of the team with whom the children were less familiar. The two organizations together (LAO and LAS) have been conducting a range of rehabilitative and welfare activities in the prisons for several years, all of which involve regular meetings, conversations, and interactions with the detained children and the prison administration. Due to their existing relationships with children in the context of these activities, our team has a keen awareness for how to gauge prisoners’ mental state during interviews; their reactions and responses, how and where to probe if necessary, and most importantly, when it becomes necessary to stop.

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1 Bachman and Schutt (2020).

2 Institute of Medicine (2007).

3 Wolbransky, et al. (2013).

4 Wolbransky, et al. (2013, 3).

When conducting research in the child justice system, researchers have noted many practical challenges to obtaining the consent of parents or guardians, and difficulties in “identifying custodial parties with legal decision-making power, and access to these custodians.”<sup>5</sup> We faced similar challenges. Families were dispersed throughout the city and unreachable; children often did not have their families’ contact information; and the LAO lawyers for many of the children further confirmed that more often than not parents and family members did not show up to their children’s court hearings. To overcome multiple barriers to obtaining parental consent, in addition to obtaining permission from the Sindh Prisons Department, our team met with the relevant superintendent in charge of the children at the outset of the research and explained the nature and scope of the project and shared the research tools to address any questions or concerns. In addition, a member of the prison administration was present at all times when the survey and interviews were administered.

In cases where we were unable to track down parents for the qualitative aspect of the research, their informed consent was obtained at court premises (see Limitations section for further details). They were told about the nature, scope, and purpose of the study, and that their participation was voluntary. They were informed that should they start feeling uncomfortable at any point during the interview, they could terminate it immediately, and that the interview had no bearing –negative or positive –on their sons’ criminal cases. In these situations, parents were asked for their permission to interview their incarcerated sons after telling them the questions they would be asked. Researchers reported that the parents gave their consent freely except in one case where a mother adamantly expressed that her son not be interviewed, and her instructions were followed.

#### **1.4. Limitations**

The findings of this study are subject to several limitations. First, like any study profiling the demographic, social, and economic characteristics of offenders, it is not necessarily typical of the full range of children in conflict with the law in Karachi. In a country where the law is commonly viewed as an instrument of oppression that serves to protect only a privileged class of people, the vast majority of detained individuals are necessarily from vulnerable groups.

Second, all surveys were conducted in the presence of a prison official which provided a protective cover for the children, but may also have prevented them from answering sensitive questions frankly. While our researchers did not observe any overt signs of discomfort in the interviewees, answers about drug use, gang participation, and political affiliation might have been affected, and this should be kept in mind for relevant sections of the report.

Third, we were forced to modify the qualitative element of the study for a number of reasons. The initial research design conceived of interviews with a random 25% sample of children surveyed, but practical constraints prevented this. Approval and government permission for the research took six to seven weeks longer than we had anticipated and data collection was therefore delayed and limited to shorter period of time subsequent to receipt of permission. We had to take into account the fact that we would lose the children’s interest and attention if we administered interviews right after completion of a questionnaire, so the interviews required additional time and jail trips. We consequently had to lessen the percentage of children interviewed to 15% and were largely satisfied as the findings of the interviews were approaching saturation point.

Fourth, finding parents and guardian of the children for the semi-structured interviews proved extremely difficult. Contacting parents or other guardians on the phone was rarely successful (see Ethics section), so we relied heavily on LAO’s lawyers to inform us of the rare cases in which families had shown an interest in their children’s cases and would come to court. In this manner, we were able to identify a small number of children for whom this was the case, and researchers would appear at court on the day of their hearings in hopes that parents would appear that day, as well. Given that this was the only practical way to obtain interviews from parents, we

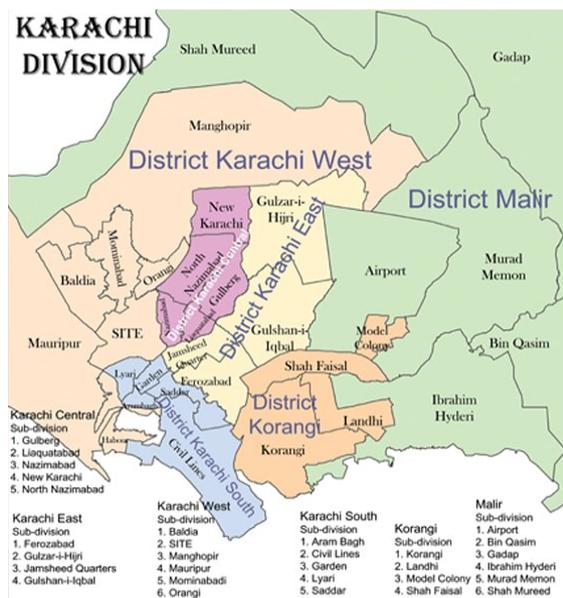
were forced to limit our sample size given time and resource restrictions. Court was far from an ideal setting in which to conduct these interviews as parents were naturally preoccupied with their children's cases. We waited until after the conclusion of hearings to speak with parents, and made all efforts possible to find empty courtrooms in which to conduct interviews.

## 2. REVIEW OF LITERATURE

Cities are synonymous with crime, discontent, and violence. The UN estimates that in 2016, approximately 55 percent of the world's population lived in urban settlements and that by 2030, urban areas will likely house 60 percent of the world's population.<sup>6</sup> Pakistan has the highest rates of urbanization in South Asia, with a projected population of 335 million by 2050, and an annual urbanization rate of 3.06 percent.<sup>7</sup> Within this, Karachi's population itself has grown to approximately 16 million with some estimates as high as 22 million.<sup>8</sup>

### 2.1 Urban Crime

Unregulated urban growth across the world has led to an increased need for resources and services where demand far exceeds supply.<sup>9</sup> In Karachi, this has translated to an "Immense stress on infrastructure, governance, health, and policing among various other civic functions."<sup>10</sup> These factors translate to income disparity, inequality, and unemployment, all of which affect young men in particular, and are linked to the commission of crime.<sup>11</sup> However, interdisciplinary debates about the relationship between income inequality and crime in urban contexts have been increasingly critiqued as being too simplistic. Scholars and development practitioners alike are moving towards a more holistic understanding of how poverty and inequality function in society.



In the field of development, for instance, the notion of "multidimensional poverty" has gained currency as the primary lens through which to understand the many forms of deprivations experienced by poor people.<sup>12</sup> Instead of a narrow focus on income inequality, this approach examines poverty from the perspective of those experiencing it, and translates their experiences into corresponding indicators such as food insecurity, lack of education, poor access to healthcare, inadequate living standards, lack of social security, threats of violence, and living in hazardous conditions, among others.<sup>13</sup>

These factors often point to state failure and how "financial constraints and political choices by governments, as well as economic rationality on the part of the private sector, inexorably generate and sustain inequality."<sup>14</sup> Called by another name, multidimensional poverty is also "social exclusion," a process by which certain groups are systematically disadvantaged in society because of discrimination on the basis of vulnerable characteristics.<sup>15</sup> This approach is helpful because it leads researchers and policy makers to analyse distinct types and forms of exclusion and to study interdisciplinary linkages between state, community, and family factors that might contribute to such exclusion.

In a similar vein, the concept of "structural violence" has also been utilized to understand the environments in which urban crime takes place. "structural violence" reframes violence not as a physical act but a process

6 UN Department of Economic and Social Affairs, Population Division (2018).

7 N.H. Anwar, et al. (2014).

8 Government of Pakistan, Pakistan Bureau of Statistics (Province Wise Provisional Results of Census - 2017).

9 Rodgers, Pfanner and Siegrist (2010).

10 O. Anwar, et al. (2018).

11 Duijsens (2010), Fajnzylber, et al. (2002), Hsieh and Pugh (1993).

12 See, generally, Government of Pakistan, Planning Commission (Multidimensional Poverty in Pakistan).

13 Moreno (2017).

14 Duijsens (2010, 359).

15 Sen (2000).

embedded in social structures that “shows up as unequal power and consequently as unequal life chances.”<sup>16</sup> This concept is frequently used in studies of urban crime and violence to explain how the state’s denial of essential services to the urban poor foster conditions in which crime and violence thrive.<sup>17</sup>

The link between structural inequality and crime is further complicated when dealing specifically with children who commit crimes or otherwise come into conflict with the law. It has been noted that in Asian countries in particular, child offenders are largely urban phenomena: “statistically, as is true elsewhere, young people constitute the most criminally active segment of the population. The most noticeable trends in the region are the rise in the number of violent acts committed by young people, the increase in drug-related offences, and the marked growth in female juvenile delinquency.”<sup>18</sup>

There are numerous multidisciplinary theories for why the young commit crimes, some of which centre on the effects of social inequality and deprivation on children while others focus more narrowly on psychological processes operating at the individual level. For instance, in line with the above analysis of structural deprivation, a great deal of empirical literature concludes that children growing up in poverty are prevented from accessing legitimate means to achieve socioeconomic goals and therefore resort to crime.<sup>19</sup> The United Nations’ *World Youth Report 2003* concurs that socio-economic instability and unemployment increases the likelihood of youth involvement in criminal activity.<sup>20</sup>

Beyond unequal access and intermingling forms of structural inequality, other theories of juvenile delinquency centre on social and family processes such as the effect of home, neighbourhood, and peers on youths who commit crimes.<sup>21</sup> In these, strong familial bonds and a commitment to socially approved values endorsed at home and in school are what keeps children from criminal behaviour: delinquency arises when such institutions breakdown and conventional beliefs and attitudes are rejected.<sup>22</sup> Early exposure to violent and unsafe neighbourhoods is also linked to children coming into conflict with law,<sup>23</sup> while the role of negative peer influences has been emphasized as promoting antisocial attitudes and beliefs in a young person, which, in turn, increases the probability that s/he will engage in criminal activity, as well.<sup>24</sup> In these frameworks, structural inequality is relevant to the extent that it is mediated through family and other social processes.<sup>25</sup>

## 2.2 Children in Conflict with Law

Empirical studies on child offenders in Pakistan focus largely on the aforementioned concepts of social and structural inequality as a determinant of turning towards criminal activity. One study borrows Galtung’s concept of structural violence to conclude that reasons for children coming into conflict with law range from “colonial legacies and inadequate protections at every level of the criminal justice system to institutionalized practices of torture and abuse.”<sup>26</sup> Rapid urbanization has also been found to cause a sense of economic and social deprivation due to unemployment, inflation, and income inequality, all of which correlate with the commission of crime in youth populations.<sup>27</sup>

There are numerous studies scattered across the four provinces of Pakistan, based on qualitative research with small samples of detained children, which have come to similar conclusions. For instance, one study which examined the cases of 221 convicts in the cities of Faisalabad and Bahawalpur, concluded that a “majority of the respondents committed crimes in retaliation to some social or individual injustice,” including poverty, lack of

16 Galtung (1969, 171).

17 Salahub, et al. (2019).

18 UN Centre for Social Development and Humanitarian Affairs (1993).

19 Bjerck (2007); Jarjoura, Triplett and Brinker (2002); and Loeber, et al. (2008).

20 UN Department of Economic and Social Affairs (2004).

21 Sampson and Laub (1995). In the context of urban violence and crime, discussions of juvenile delinquency focus a great deal on Latin American gang warfare and the recruitment of children. See, e.g., Rodgers (1999).

22 See, generally, Hirschi (1969).

23 Aizer (2009).

24 Sutherland and Cressey (1974).

25 Sampson and Laub (1993: 247).

26 Khoso and Yew (2015).

27 Ferdoos and Ashiq (2015), Jalil and Iqbal (2010), and Sarfaraz (2008); see also: Hassan, et al. (2016), M.A. Anwar, S. Nasreen and A. Shahzadi (2015).

resources, and drug addiction.<sup>28</sup> In 2010, a study of a small sample of children confined in the YOIS in Karachi found that child offenders commit crimes mainly due to bad company, a lack of education, and low income.<sup>29</sup> A 2013 report on recidivism in YOIS Karachi based on case records maintained with the Legal Aid Office found that recidivism was caused by socio-economic vulnerability, peer pressure, and a flawed legal system that privileges punitive measures over rehabilitative ones.<sup>30</sup> A similar study on recidivism in Khyber Pakhtunkhwa found that the lack of exclusive detention facilities for children was detrimental to their physical and mental health, and that prison staff's harsh treatment was partially responsible for recidivism.<sup>31</sup>

Finally, the Legal Aid Office (LAO) in Karachi, which provides free legal aid to prisoners across Sindh, along with a range of rehabilitative services, has published two recent empirical reports based on surveys of the prison population in Sindh.<sup>32</sup> A 2016 Impact Assessment Report profiled over nine thousand prisoners in the province, of which just over half were young adults. It concluded that "the main cause of crime is perhaps a nexus between poverty, frustration, financial burden, illiteracy, unemployment and excessive dependents."<sup>33</sup> Similarly, in 2014, LAO conducted a demographic profiling exercise with 228 under-trial children in YOIS facilities in Karachi, Hyderabad, Sukkur, and Larkana.<sup>34</sup> The report finds that almost a third of inmates had some education and a third were uneducated; half earned between Rs.5000-10,000; and ninety-percent were first-time offenders.<sup>35</sup> As only 40% of the juvenile population in the study was from the Karachi YOIS, and findings were not parsed by district, a comparison between the findings of that study and the present one is difficult.

This report situates itself at the theoretical intersection between studies on urban crime and juvenile delinquency, and seeks to draw out causes, motivations, and risk factors associated with juveniles in conflict with law in Karachi. It also tests the causes for crime and violence in the literature against juveniles and their parents' perceptions of the same –with interesting results. The findings are anchored in themes of structural inequality and multidimensional poverty as contributing factors, as well as social and family processes that must be considered alongside any serious discussion of children in conflict with law.

28 Mahmood and Cheema (2004).

29 Abrar, Baloch and Ghouri (2010).

30 Ameen, et al. (2013).

31 I.U. Khan (2018). The author, for instance, mentions that wardens and other prison staff are physically violent and verbally abusive towards juveniles, as a result of which the latter are more likely to turn to crime after their release.

32 The Legal Aid Office, Karachi is the primary source of empirical research studies based on in-depth work with prison populations across Sindh. See, for instance, Junejo and Sharif (2019); Legal Aid Office (2018); Boxwala (May 2016); and A.H. Memon and H.E. Zahid (2014).

33 Saleem and Munshey (Undated, 23).

34 H.E. Zahid and N. Bharucha (2014).

35 H.E. Zahid and N. Bharucha (2014).



### 3. LEGAL FRAMEWORK FOR CHILD OFFENDERS

The legal framework for children in conflict with the law in Pakistan is a contradictory blend of legislation that reflects Pakistan's 1990 ratification of the UN Convention on the Rights of Child (UNCRC), and pre-colonial legislation. A detailed analysis of each legal instrument is beyond the scope of this report. However, this section provides a brief overview of the laws governing children in conflict with the law.

The Pakistan Penal Code, 1860 (PPC), the country's main code of laws concerning crimes, offences, and their punishments, exempts children under the age of ten from criminal culpability,<sup>36</sup> and provides for limited criminal culpability for children between ten to fourteen years of age, depending on their maturity and understanding of the consequences of their conduct.<sup>37</sup> In its 2016 report on Pakistan, the UNCRC noted that Pakistan is not aligned with internationally acceptable standards for the minimum age of criminal culpability, and recommended immediate legislative action.<sup>38</sup>

While the issue remains unresolved, the country has made some progress in the area of juveniles in the criminal justice system, most recently, by passing the Juvenile Justice System Act, 2018 (JJSA), which repeals the Juvenile Justice System Ordinance, 2000 (JJSO). This new Act creates a comprehensive legal framework that recognizes the unique needs of children in conflict with the law and responds to these needs – at least on paper – by creating separate custodial arrangements, the right to state-appointed counsel, quick case processing times, and the use of alternative sentencing and case disposal measures that emphasize rehabilitation over punishment.

The JJSA creates juvenile courts that have exclusive jurisdiction over accused children under the age of 18 years<sup>39</sup> and mandates that children's cases be concluded within six months of the court taking cognizance of the offence.<sup>40</sup> The Sindh High Court, which is the highest appellate institution in the province, has notified judicial magistrates (class I to IV) to hear children's cases in the five districts of the Karachi Division.<sup>41</sup> Should a case not conclude in six months, the court must seek extensions from the High Court in which the delay is explained.<sup>42</sup> Children accused of bailable offences are to be released on bail "with or without surety unless...here are reasonable grounds for believing that the release...may bring [the juvenile] in association with criminals or expose him to other danger."<sup>43</sup>

The Act also provides for disposal of certain cases through diversion, which is defined as "an alternative process of determining the responsibility and treatment of a juvenile on the basis of his social, cultural, economic, psychological, and educational background without resorting to formal judicial proceedings."<sup>44</sup> Decisions regarding diversion are to be made by Juvenile Justice Committees for each sessions division, but these have not yet been formed.

The JJSA further empowers probation officers to prepare reports on the juveniles' character, educational, social and moral background, and on the possibility of sending them to Rehabilitative Centres upon completion of probation.<sup>45</sup> However, the Sindh Reclamation and Probations Department reports that as recently as October 2019, there are only four appointed probation officers appointed against a sanctioned strength of fifty-seven.

36 PPC Section 82, Criminal Law (Second Amendment) Act 2016.

37 PPC Section 83, Criminal Law (Second Amendment) Act 2016.

38 UN Committee on the Rights of the Child (2016).

39 Juvenile Justice System Act ("JJSA"), Section 4(4).

40 JJSA, Section 4(7).

41 "Juvenile courts established throughout Sindh," Business Recorder, April 13, 2019. Accessed on Sep 19, 2019. Available at: <https://fp.brecorder.com/2019/04/20190403460673/>. The district courts (also known as the subordinate judiciary) are governed by the Civil Courts Ordinance 1962 and the Criminal Procedure Code 1898. With respect to criminal cases, district courts consist of District and Sessions Judges, Additional District and Sessions Judges, and Judicial Magistrates Class I, II, and III. The jurisdictional mandate of the judges varies based on nature of crime, length of sentence, and so on.

42 JJSA, Section 4(9).

43 JJSA, Section 6(1).

44 JJSA, Sections 9(1), 2(b).

45 JJSA, Section 14.

Probation Officers are further entirely unaware of the JJSA and its protective provisions concerning children and methods of diversion.

Juvenile Rehabilitation Centres are defined as places where children may be given “education, vocational, or technical training for his mental, moral, and psychological development and includes certified institutions, juvenile training institutions, [and] borstal institutions...”<sup>46</sup>

Presumably, this provision applies to the Youthful Offender Industrial Schools –of which there are four in Sindh –and the Remand Home in Karachi. Borstal Schools, which would be governed by the 1926 Sindh Borstal School Act, do not currently exist in Sindh but are functioning elsewhere in the country. The Remand Home is governed by the Sindh Children Act of 1955, which is meant to house “young offenders whilst detained... [who are to be] subjected to... disciplinary and moral influences as will conduce to their reformation and the prevention of crime.”<sup>47</sup> The Karachi YOIS was known as the Juvenile Jail until 1997, and was renamed to “[remove] the institution from the purview of the prison administration and the Prison Rules, and placed it under the jurisdiction of the Sindh Children Act of 1995.”<sup>48</sup> In practice, however, the YOIS is still managed under the prison system and its daily administration is governed by the Prison Rules, a compendium of instructions and guidance on the daily functioning of prisons and jails across the province.

#### THE BORSTAL SYSTEM

English reformatory system designed for youths between 16 and 21, named after an old convict prison at Borstal, Kent. The system was introduced in 1902 but was given its basic form by Sir Alexander Paterson, who became a prison commissioner in 1922. Each institution consists of houses containing, ideally, not more than 50 young offenders, with a housemaster or housemistress and house staff. Training is exacting, based on a full day's hard and interesting work. There are vocational-training courses, with six hours a week of evening education either in the Borstal or in local technical colleges.

The period of training, governed by the progress of the inmate through a grade system, averages about 15 months. On release, the inmate comes under the supervision of the Central Aftercare Association and may be recalled for further training if necessary.

Source: Encyclopedia Britannica

46 JJSA, Section 2(k).

47 Sindh Children's Act 1955, Section 3(a).

48 Human Rights Watch (1999).

## 4. FINDINGS AND DISCUSSION

This section begins with a profile of the two detention facilities in which children in Karachi are housed. Second, it provides a demographic profile of the children, which includes a socio-economic mapping and a breakdown of crimes for which they have been charged (or in two cases, convicted). It highlights trends and correlating factors mentioned in the literature on juvenile delinquency. Third, it explores sources of influence in children's immediate surroundings that constitute risk factors: family, civic engagement, membership in gangs, and drug use. Fourth, it discusses the idea of offenders as victims by examining children's experiences of safety and violence in their neighbourhoods and homes. Lastly it tests some of the findings in urban crime literature with juveniles and parents' own ideas of why youth commit crimes in the first place.

### 4.1 Profile of Detention Facilities

The Remand Home and Certified School (RHCS, or Remand Home) is currently administered under the Sindh Children Act 1955, which states its purpose to be the custody, protection, treatment and rehabilitation of children and youthful offenders under 16 years of age, and for certain other specified purposes. The Directorate of Reclamation and Probation under the Sindh Home Department is responsible for administering and managing the Remand Home, and is chronically understaffed and underfunded. In 2011, the Sindh Government notified the Remand Home Rules, which govern the facility's daily affairs.<sup>49</sup>

In close proximity to the Karachi central jail, the Youthful Offenders Industrial School (YOIS) holds children between the ages of 16–18. Until the late 1990s, the YOIS was known as the “juvenile jail”. The renaming was significant because the jail was, at least on paper, removed from the jurisdiction of the Sindh Prisons Department and placed under the jurisdiction of officers appointed by the provincial government, under the Sindh Children Act, 1955.<sup>50</sup> In practice, however, its daily administration continues to be governed by the Pakistan Prison Rules (also known as the “jail manual”) – a compendium on the daily management and affairs of prisons in the province.<sup>51</sup>

Both facilities house only males between the ages of 10 and 18 years.

### 4.2 Profile of Children in Detention

This section provides a detailed breakdown of the demographic characteristics of the children detained at the YOIS and Remand Home.

#### 4.2.1 Under Trial or Convicted

Of the 149 children surveyed in total, 40 were detained in the Remand Home and 109 in the YOIS. With the exception of 2 children in the YOIS, all were UTPs. This is typical of Pakistan's criminal justice system, which is characterized by low conviction rates and extended incarceration times during pendency of the criminal trial. There are long detention periods before and during trial, due to breakdowns in every step of the system:

#### Profile of the Two Convicted Children

The two prisoners who were convicted, were charged with robbery (in the company of other persons, under PPC 392/34; with one for extortion also, under PPC 347). They were both sentenced to three years in prison. Neither had been arrested before. Both were 16–18 years of age, with about five years of schooling. They were employed when arrested, earning between Rs.10,000–15,000 per month. They were both from Lyari, and said that they voted in the last election (for the Pakistan People's Party, PPP); and were members of a local gang (one associated with PPP), which they had joined due to peer pressure and to earn money. One of them admitted to being a drug user. One admitted to carrying a weapon to harass people.

*The interviewer noted that one of them “was very sharp and laughing during the interview”.*

49 Sindh Home Rules 2011, available at: [http://sindhlaws.gov.pk/setup/publications\\_SindhCode/PUB-15-000460.pdf](http://sindhlaws.gov.pk/setup/publications_SindhCode/PUB-15-000460.pdf).

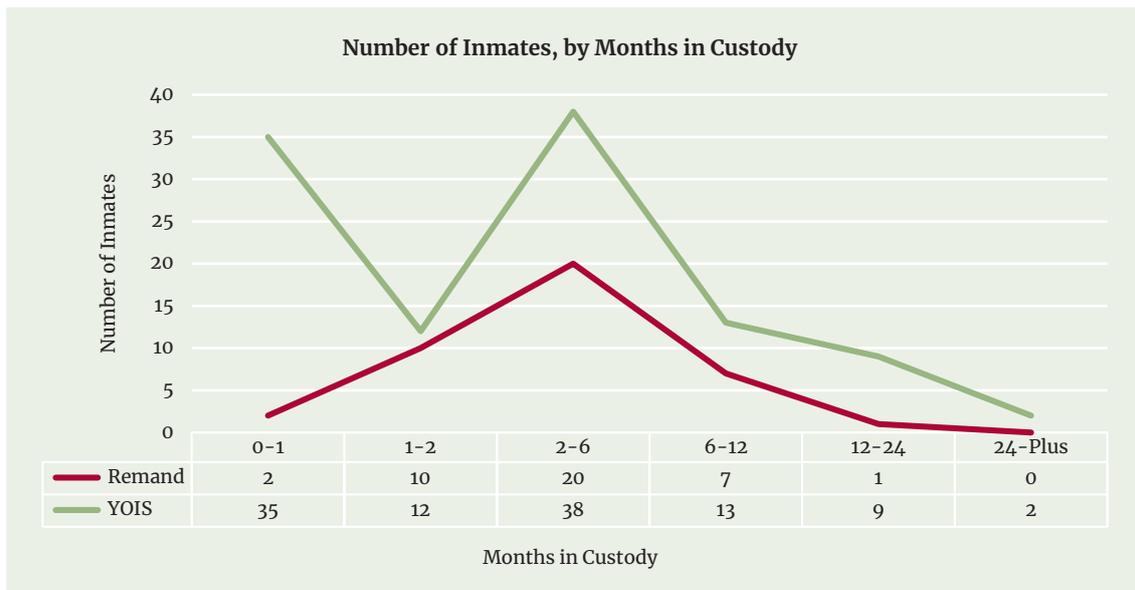
50 Human Rights Watch (1999).

51 Human Rights Watch (1999).

inefficiency at the investigation stage, non-attendance of key witnesses, and adjournment of cases at the request of counsel.<sup>52</sup>

#### 4.2.2 Detention Times

On average, children in the Remand Home had been detained for 124 days; those in YOIS, for 138 days. However, because of a larger proportion of newly arrived children in the YOIS (32%), the median time since admission was lower in the YOIS (78 days) than in the Remand Home (110 days). The majority (80%) of children in the Remand Home and YOIS (85%) had been detained for 6 months or less. A small percentage (12%) of the YOIS population had been detained for 6–12 months; 8% for 12–24 months; and finally, 2% for over 24 months.



Detention times are important to note because since the passage of the much-anticipated JJSA 2018, it is mandatory that cases of children be concluded within six months of the court taking cognizance of the offence.<sup>53</sup> It further states that should a case not conclude in six months, courts must seek an extensions from the High Court in which the cause of the delay is explained.<sup>54</sup> The average number of days for which inmates were detained at the time of administering the survey shows that implementation of the JJSA is lacking and requires persistent effort.

#### 4.2.3 Crimes

Children in conflict with law were charged under one or more sections of the Pakistan Penal Code (PPC), and in some cases, simultaneously charged under one or more additional provisions of other legislation, as well (most notably, the Sindh Arms Act 2013 and the Control of Narcotics Substances Act 1997). In all, 51 sections of law were invoked (reproduced at Appendix 3).

To render the pattern of criminal charges more tractable, this study classifies these criminal charges under the UN Office on Drugs and Crime's (UNODC's) International Classification of Crime for Statistical Purposes (ICCS).<sup>55</sup> Utilizing an accepted international classification system should also improve the comparability of crime data on an international level, and should be useful in the context of future transnational studies on crime.

The crimes that children were charged with fall into 9 of the 11 ICCS categories.<sup>56</sup> We first examine children charged with crimes that fall under a single ICCS category, and then those that fall under multiple ICCS

<sup>52</sup> Law and Justice Commission of Pakistan (Criminal Justice System, Report No. 22 Undated), and (2003).

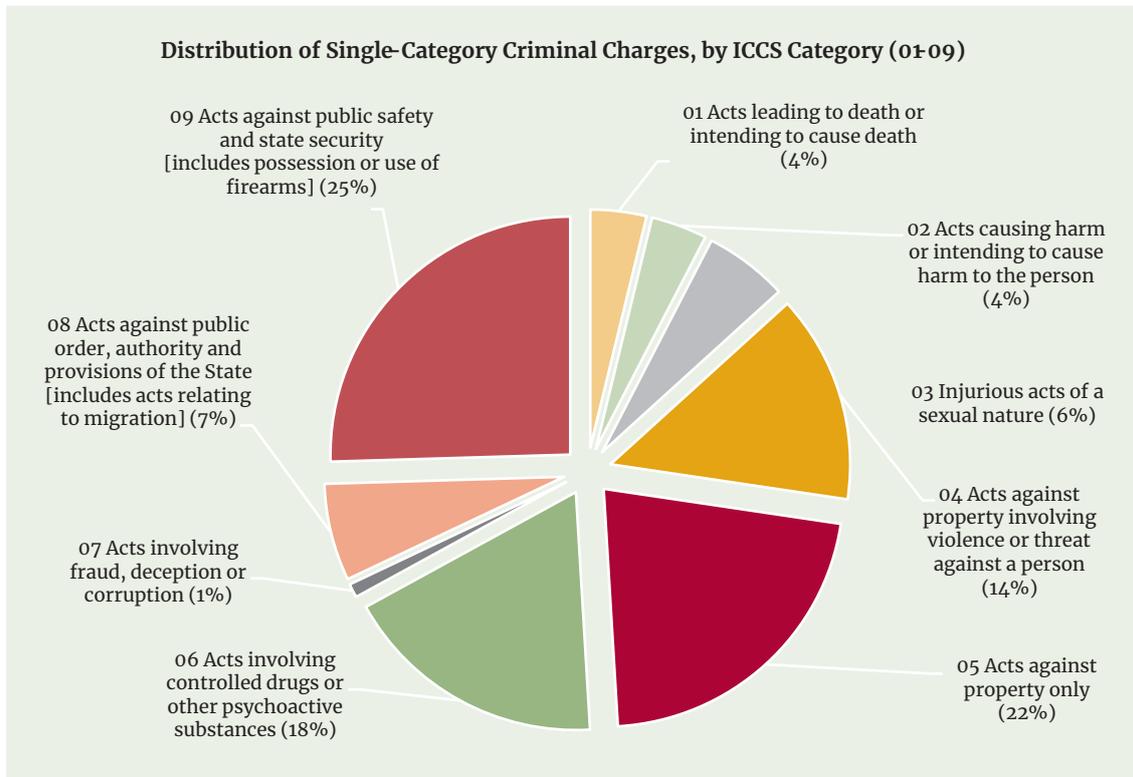
<sup>53</sup> Juvenile Justice System Act 2018, Section 4(7).

<sup>54</sup> Juvenile Justice System Act 2018, Section 4(9).

<sup>55</sup> UNODC (March 2015). A table of correspondence with sections of laws is provided in Appendix 4.

<sup>56</sup> No juvenile was charged under the last two of ICCS categories: Section 10 Acts against the natural environment, and Section 11 Other criminal acts not elsewhere classified.

categories of crimes. The chart below shows the distribution of criminal charges for the 106 (out of 149) inmates charged under one or more sections of law that fall within a single ICCS category.



As the chart shows, most single-category charges relate to acts against property (with or without threat of personal violence), acts against public safety (mainly possession of firearms), and acts involving drugs. A quarter (25%) of all charges shown above were for unlicensed pistol possession (ICCS 09); 22% were for theft of car or other motorised vehicles (ICCS 05); 18% were for drug possession of varying amounts (ICCS 06); and 14% were for robbery and/or dacoity (ICCS 04).<sup>57</sup> Acts relating to illegal entry into the country and sexual crimes, assault or battery, and murder or attempted murder were less frequent compared to the other categories mentioned. For instance, illegal border crossings accounted for 7% of charges (ICCS 08) and wrongful restraint or kidnapping accounted for 4% of charges (ICCS 02).

The remaining 43 children (out of 149) have been charged under sections of law that fall under multiple ICCS categories, distributed as follows: under two ICCS categories (36 children, 84%), under three ICCS categories (4 children, 9%), and under four ICCS categories (3 children, 7%). To facilitate analysis, once again, the 9 ICCS categories have been consolidated further into 4 broad classes, for discussion, according to the following scheme.

As with single-category charges, the largest share of multiple-categories charges involves crimes against property (47%) and persons (9%) with the additional charge of crimes against public order or state security. This corresponds to charges under the Sindh Arms Act 2013 and the PPC involving, respectively, the possession of pistols, motor vehicle theft, robbery, and/or dacoity. Other, less frequently seen multiple-category charges, include crimes against persons (7%) and property (7%), and both (12%); these correspond to charges for murder, robbery, dacoity, or attempts of the same.

As should be expected, when comparing all Remand Home children with older YOIS children, the latter were

<sup>57</sup> Under the Pakistan Penal Code (PPC) a distinction is made, along a continuum of increasing severity, between theft (s.378), extortion (s.383), robbery (s.390) and dacoity (s.391). Roughly, theft is to intentionally dispossess a person of his moveable property, by moving it without his consent. Extortion is theft (including of immovable property), but with the consent of the owner, obtained under duress. Robbery is theft or extortion, committed by one or more persons, aggravated by the victim's fear of death, hurt or wrongful restraint. Dacoity (an anglicised form of a local word) is robbery committed by five or more persons.

Reduced Classification of 9 ICCS Categories of Crime into 4 Broad Classes of Crime		
ICCS Categories of Crimes (01–09)		Broad Class
01	Acts leading to death or intending to cause death	A. Crimes against Persons
02	Acts causing harm or intending to cause harm to the person	
03	Injurious acts of a sexual nature	
04	Acts against property involving violence or threat against a person	B. Crimes against Property
05	Acts against property only	
06	Acts involving controlled drugs or other psychoactive substances	C. Possession of Drugs *
07	Acts involving fraud, deception or corruption (except immigration fraud: 08)	
08	Acts against public order, authority and provisions of the State (including S.0805 Acts related to migration)	D. Crimes against Public Order or State Security †
09	Acts against public safety and state security (including S.090111: unlawful possession or use of firearms)	
<p>* Only 2 children were charged with fraud (one relating to marriage; the other, to involuntary manslaughter).</p> <p>† In our sample, 'possession of firearms' falls under crimes against state security; and 'illegal border crossing', under crime against public order.</p>		

charged with a noticeably higher frequency of murder, attempted murder and other acts causing or intending to cause harm to a person: 19 (of 109, 17%) in the YOIS and 9 (of 40, 2%) in the Remand.<sup>58</sup>

While the nature and causes of crime are complex and interlinked, studies of urban violence frequently group crimes and violence in the following broad categories: political, institutional, and social/economic.<sup>59</sup> Political violence is motivated by the desire to hold political power. Institutional violence is committed by the state and other informal institutions, which can include extrajudicial killings or state-directed violence against gangs and street children. Finally, social/economic crimes include mugging, robberies, petty theft, and drug-related crimes, and are broadly motivated by material gain, social deprivation, and structural inequality.<sup>60</sup> When viewed through this lens, the majority of criminal charges represented within the detained population of children in Karachi can be categorized as socially and economically motivated.

The criminal charge breakdown shown is also consistent with previous reports profiling children in Sindh,<sup>61</sup> and with international literature on crime patterns that frequently suggest that persons under the age of 18 are more likely to be arrested for crimes against property rather than for violent crimes against persons.<sup>62</sup> One study categorizes crimes committed by children as “the low-yield, criminal mischief, ‘hell-raising’” kind: “vandalism, petty theft, robbery, arson, auto theft, burglary, and liquor law and drug violations. Personal crimes like aggravated assault and homicide tend to have somewhat ‘older’ age distributions (median ages in the late 20s).”<sup>63</sup>

What is nonetheless alarming is that 49 children (33%) were charged either solely with possession of an unlicensed firearm (usually, pistols), or this constituted one criminal charge of several. By one estimate, the number of firearms – legal and otherwise – owned by civilians in Pakistan is estimated to be at least 18,000,000, which is approximately 11.6 guns per 100 people.<sup>64</sup> While a detailed analysis of the processes by which civilians procure guns and their easy access and use within families and neighbourhoods is beyond the scope of this report, this is an important – and thus far neglected area of study – to which policy makers must urgently turn their attention.

<sup>58</sup> Refer to Appendix 1, Question 3 in the “Crime Patterns” section of reported data.

<sup>59</sup> Moser and Winton (2002).

<sup>60</sup> Rodgers (2004).

<sup>61</sup> Junejo and Sharif (2019), and H.E. Zahid and N. Bharucha (2014).

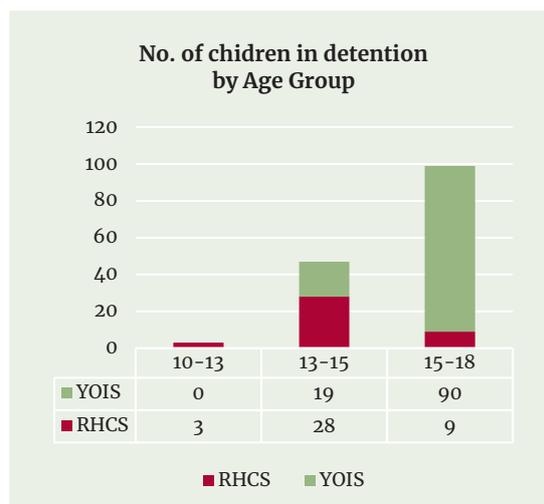
<sup>62</sup> See, for example, Richards (2011), Institute of Medicine (2007), and Prichard and Payne (2005).

<sup>63</sup> Ulmer and Steffensmeier (2014).

<sup>64</sup> Dawn, Editorial (2015).

#### 4.2.4 Age, Religion, Marital Status & Ethnicity

Two-thirds (66%) of the surveyed population was between the ages of 16–18, while nearly one-third (32%) were between the ages of 13–15. Only 3 (2%) of 149 reported being between the ages of 10–13. It is difficult to determine whether the ages provided were, in fact, correct. This points to the larger problem of low birth registrations in Pakistan and absence of official age documentation, as a result of which police officers often incorrectly gauge children’s ages during the investigation process.<sup>65</sup> It should be noted that due to the lack of official documentation in many cases and inconsistent use of age determination procedures, there are possibilities of misclassification within the Remand Home, YOIS, and adult prisons, leading to some children being classified as adults, and vice versa. The data collected does not, therefore, account for children who may be incarcerated with the adult population as a result of such misclassification.

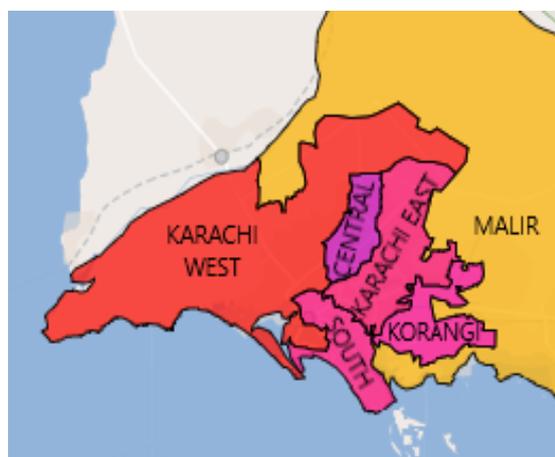


Only two children surveyed identified as Christian –the rest identified as Muslim. One was married; the rest were single. Most (40%) identified themselves as Pathans. The rest identified themselves as Muhajirs (9%), Sindhi (9%); Punjabi (9%), and Bengali (7%). Six inmates (4%) identified themselves as Afghan and three (2%) identified themselves as Burmese.

#### 4.2.5 Residential Districts

The city is divided into six districts, each having several sub-divisions (tehsils). Six military cantonments are also located in four districts.<sup>66</sup>

Karachi: Population and Households, 2017 ('000)			
District: Karachi	Population	Households	H'holds Size
West	3,915	634	6.2
Central	2,972	539	5.5
East	2,910	510	5.7
South	1,792	328	5.5
Korangi	2,457	422	5.8
Malir	2,009	338	5.9



Source: Pakistan Bureau of Statistics. Based on 6th Population & Housing Census—2017.

There was no one district of Karachi more noticeably represented in the survey. 18% of children were from Central Karachi, 14% from East Karachi, 17% from South Karachi, 21% from West Karachi, and 17% from Malir. Only 6% were from Korangi.

<sup>65</sup> See generally, Justice Project Pakistan and Reprieve (March 2015), which discusses the dire consequences faced in the criminal justice system by juveniles, whose ages are not correctly determined.

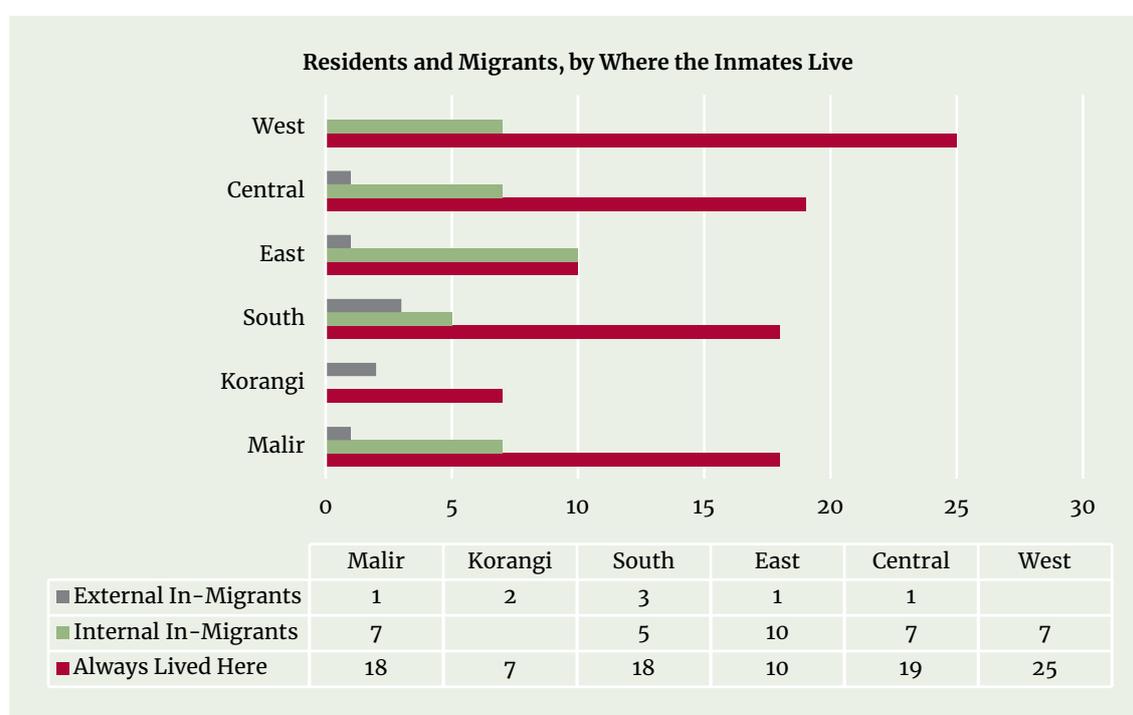
<sup>66</sup> The map (adapted from <https://www.citypopulation.de>) is colour-coded by population density. The major sub-divisions (tehsils) of the six districts are: Karachi West: Baldia, Harbour, Manghopir, Manora Cantonment, Mauripur, Mominabad, Orangi, and Sindh Industrial and Trading Estate (“SITE”); Karachi Central: Gulberg, Liaquatabad, Nazimabad, New Karachi and North Nazimabad; Karachi East: Faisal Cantonment, Ferozabad, Gulshan-e-Iqbal, Gulzar-i-Hijri, and Jamsheed Quarters; Karachi South: Aram Bagh, Civil Lines, Clifton Cantonment, Garden, Karachi Cantonment, Lyari and Saddar; Korangi: Korangi, Landhi, Model Colony and Shah Faisal; and Malir: Airport, Bin Qasim, Gadap, Ibrahim Hyderi, Murad Memon and Shah Mureed.

Two children were from interior Sindh, four from Balochistan, and two from Punjab. Most inmates (69%) had always lived in Karachi, and in general the share of migrants (those who had moved to Karachi from within Pakistan and from abroad) was less than half of permanent residents.<sup>67</sup>

There were some variations, however, within this overall picture. There were significantly fewer permanent Karachi residents in the Remand Home (54%) than in YOIS (74%), supporting the view that children of new residents may be more at risk of coming into conflict with law. Also, understandably, most migrants (immigrants and returning emigrants) had come from Afghanistan (5), followed by Bangladesh (2), Burma (1) and Saudi Arabia (1).

#### 4.2.6 Criminal Charges by District

While broadly similar across districts, criminal charges brought against juveniles showed some noticeable differences, which are presented in this section.<sup>68</sup> By dividing the number of children in detention from each district by the relevant population (between the ages of 10 and 19) of the district, juvenile detention rates have been estimated for each district (see chart).<sup>69</sup>



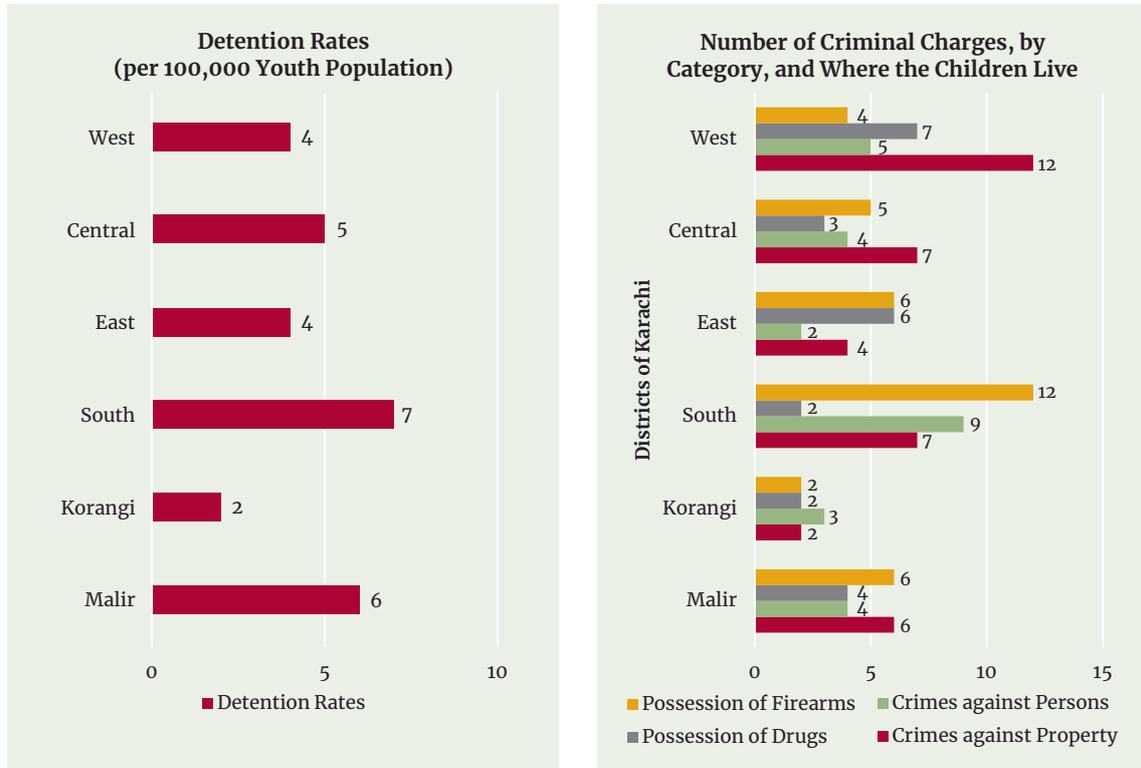
On average, 4.4 youthful offenders are detained for every 100,000 young persons in Karachi, rates that appear quite low. Across districts, however, the young would seem to be at a higher risk of being detained in Karachi South and Malir than in other districts.

<sup>67</sup> Based on 141 responses; the remaining 8 said that they were temporarily in Karachi, and lived in Balochistan (4), Punjab (2), and Interior Sindh (2). Those who had moved from within Pakistan had come from Balochistan (7), Khyber-Pukhtunkhwa (8), Punjab (11), and Interior Sindh (10).

<sup>68</sup> In the chart (on right), the 9 ICCS classes used have been abbreviated to 4 'Categories' as follows: Crimes against Persons (ICCS Sections 01-03); Crimes against Property (ICCS Sections 04-05); Possession of Drugs (including Fraud, ICCS Sections 06-07); and Possession of Firearms (ICCS Sections 08-09). Also, unlike the previous section, in this section multiple charges have been counted multiple times, for simplicity.

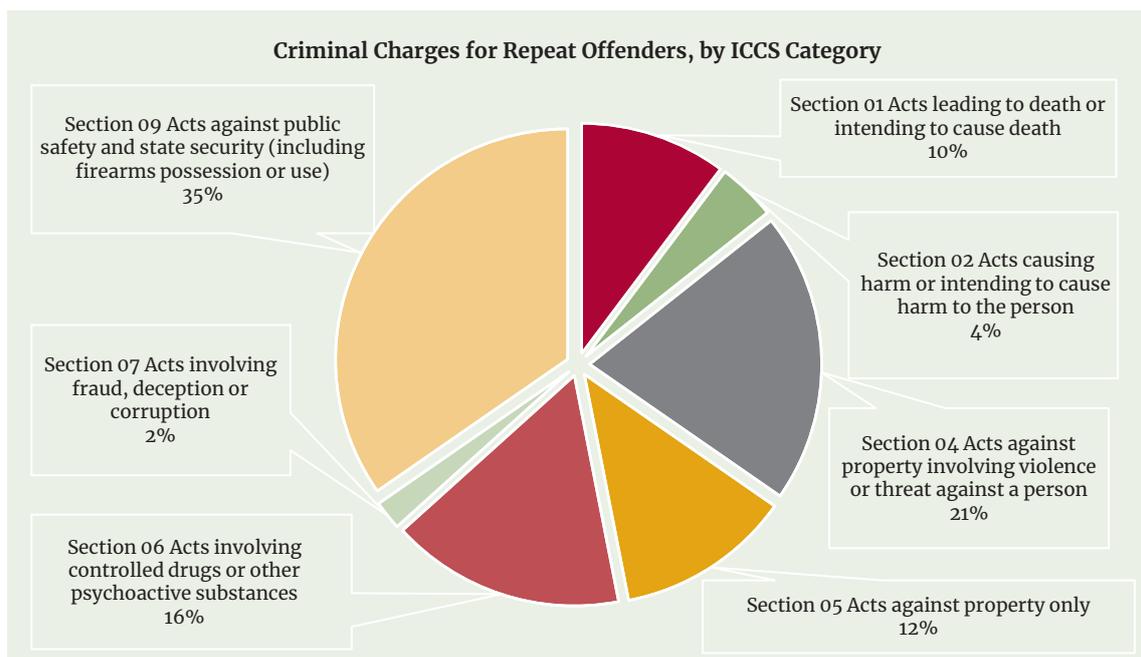
<sup>69</sup> These are rough estimates based on number of children detained in RHCS and YOIS (in July 2019) and official population estimates for each district, for 2017. Official estimates of population, for ages 10-14 (13.11%) and 15-19 (11.28%), were added and reduced (to exclude 19-year olds) to arrive at a guesstimate of 20%. Since errors in these estimates would be common to all, they should be a fair indicator of variation across districts.

Karachi South also ranks above all other districts in criminal charges for possession of firearms and crimes against persons. In Malir, which ranks next in possession of firearms (together with Karachi East), they appear to be used more for crimes against property, than persons. Overall, charges for crimes against property are by far the highest in Karachi West, where possession of drugs is also the highest (but this is closely followed by Karachi East).



#### 4.2.7 Recidivism

Of the 147 UTPs surveyed, a high proportion (27, 18%) reported that they had been arrested at least once before. The chart below represents the distribution of the full range of applicable criminal charges for each repeat offender, classified by ICCS categories.



Consistent with criminal charges for first-time child offenders reviewed earlier, acts against public safety (mainly possession of firearms) was the most frequently charged crime, followed by acts against property involving violence or threat against a person (mainly robbery and/or dacoity). The next most charged crimes were for acts involving controlled substances (mostly drug possession).

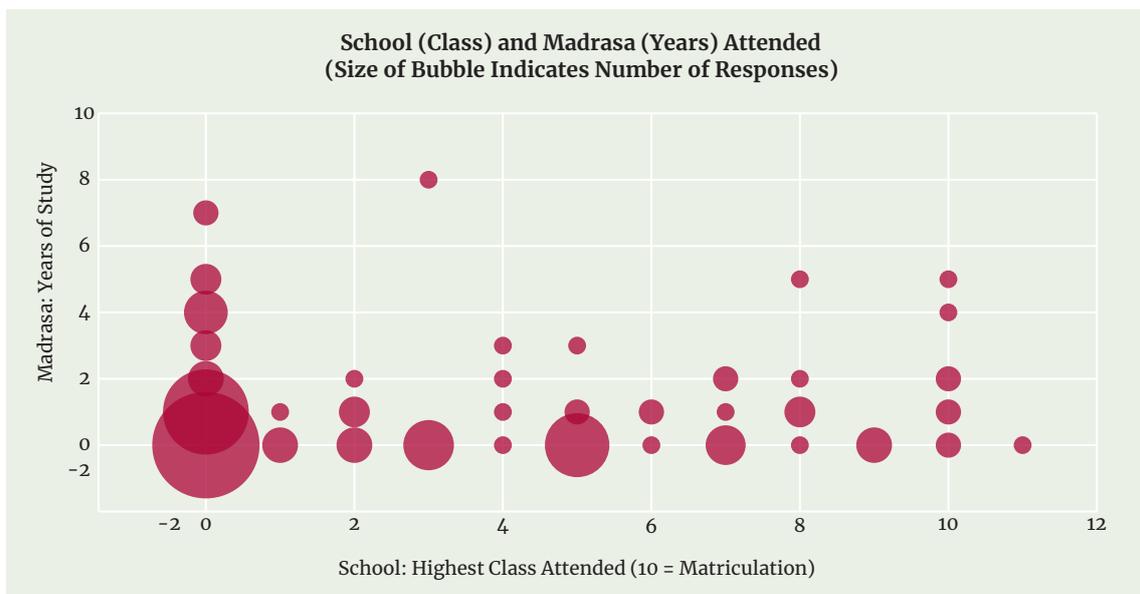
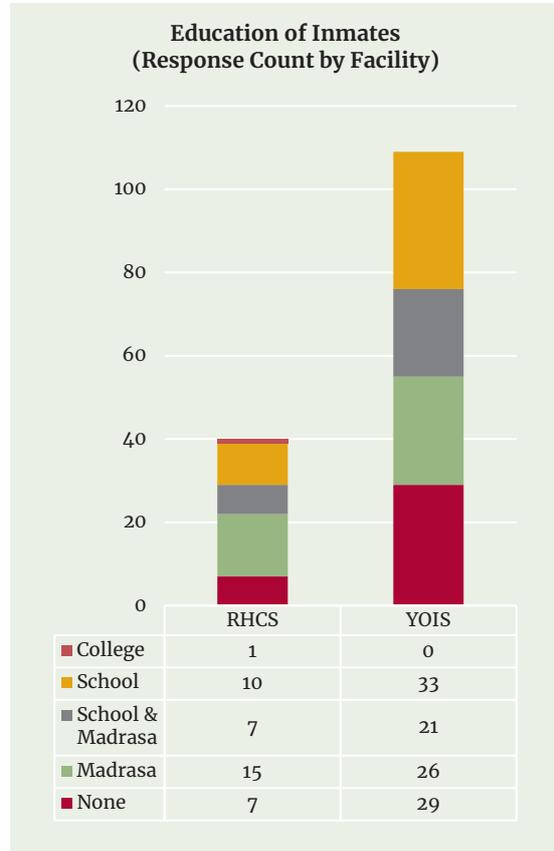
**4.2.8 Education**

A quarter (24%) of children had never attended a school or madrasa. A somewhat greater proportion had attended only a school (29%) or only a madrasa (28%), while a sizeable proportion (19%) reported having gone to both madrasa and school.<sup>70</sup>

Of those who did have some education, whether school or madrassah, half (50%) had received only five years or less of education. A tenth (11%) had received 6-8 years of education; a twelfth (8%), 9-10 years; and only one in twenty-five (4%), had reached the intermediate level (11-12 years).

The chart below shows the number of pupils (through size of the bubble), by the highest school class attended and the number of years spent in a madrasa, for all 149 respondents.

When asked why they stopped their education, almost half (44%) said they had to get a job to help support their families financially. Nearly one in three (29%) said that they stopped being interested in continuing their education, while over one in six (16%) said they had to stop because they were arrested. Four children said that they stopped their education because they were bullied in school.



<sup>70</sup> The analysis of responses to schooling questions is complicated by the existence two major systems of education: the madrasa system, in which the student is taught Arabic morphology, syntax, logic and rhetoric in the early years; and the government school system, in which the student is taught English grammar and composition together with Urdu, Pakistan Studies, and a number of general subjects. The quality of education in both systems has deteriorated over the years.

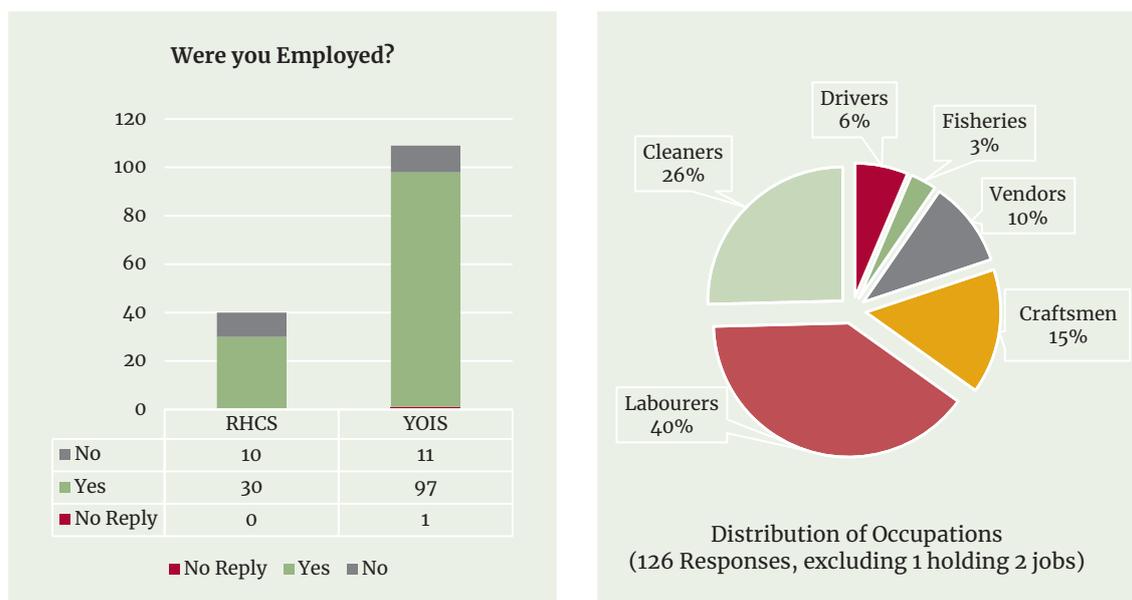
The data above is consistent with previous international and domestic studies of youth crime –since lack of schooling is a risk factor, children in the two sites were at risk when arrested. It should be noted, though, that the emphasis on education as a means of preventing or reducing crime is largely based on a human capital approach according to which being in school not only minimizes opportunities for criminal activity, but also increases a child’s eventual economic productivity.<sup>71</sup>

This approach sidesteps meaningful engagement with the lack of employment opportunities and the deplorable state of the educational system in Pakistan, which is segregated along indelible class and language lines that experts have likened to a caste system or even apartheid.<sup>72</sup> The UNDP has also pointed out that increased educational attainment levels have in fact failed to reduce socio-economic deprivation and that despite rising literacy and enrolment levels, unemployment remains high.<sup>73</sup>

For this reason, state policy interventions must recognize that “[b]esides access to education (quantity) in all areas, it is essential to improve the *quality* of education –formal as well as technical education and vocational training, and in religious schools (madrassahs) –to generate effective links for ...meaningful engagement.”<sup>74</sup> (Emphasis added.) This observation is especially relevant given that nearly a third of children cited lack of continued interest in education.

#### 4.2.9 Employment

Interestingly, an overwhelmingly majority (127 of 149, 85%) of children had been employed at the time of their arrest, a finding contrary to criminological literature that links high unemployment rates to the commission of crime.<sup>75</sup> The children were mostly in relatively low-paying jobs in a variety of sectors.



The pie chart shows the nexus of major occupations, under a one-word description, that were devised to classify responses, based loosely on the International Labour Organization’s (ILO’s) International Standard Classification of Occupations (ISCO).<sup>76</sup> For a more concrete idea of the kinds of occupations subsumed under these one-word descriptions, selected descriptions provided by the respondents are given in Appendix 5.

71 Beatton, et al. (2016).

72 Benz (2012).

73 UNDP (2017).

74 UNDP (2017, 9).

75 Becker (1968), and Stewart, et al. (1994).

76 International Labour Office (2012).

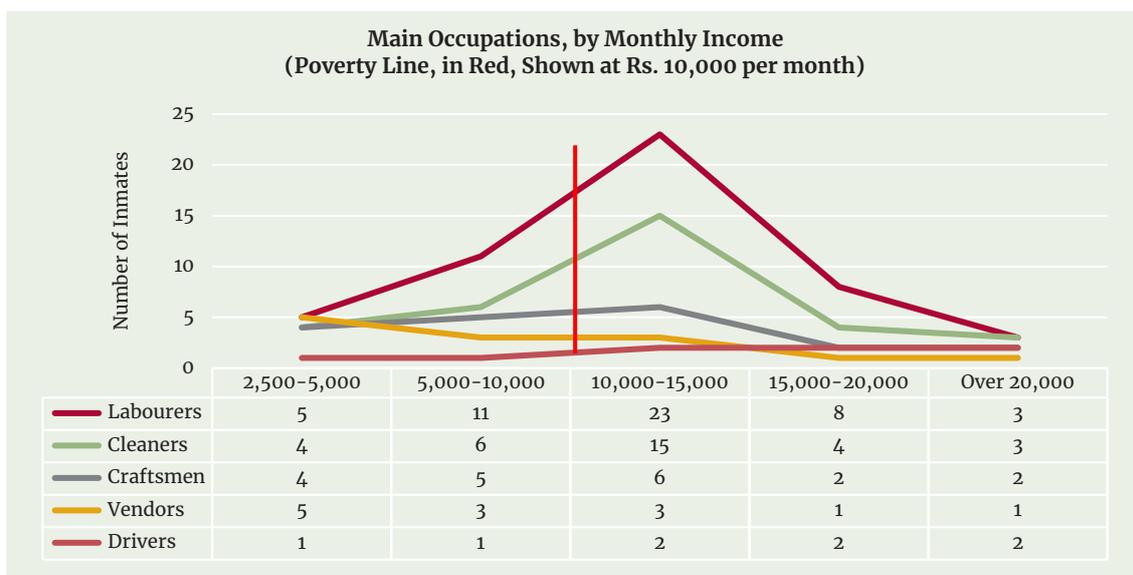
#### 4.2.10 Income

According to latest government estimates, the poverty line in Pakistan is an income of \$2 per day – or some Rs. 10,000 per month.<sup>77</sup> By this standard, most children who reported being employed at the time they were arrested, reported incomes that were around the poverty line – although, significantly, a few reported incomes that, while modest, were around twice that amount or more (see chart showing monthly income before arrest of all 127 children who reported being employed before they were taken into custody).



Excluding the 22 who did not respond, of the 127 children who reported being employed, over a third (45, 35%) were destitute (reporting an income below the poverty line), which is not unexpected given their ages. As can be expected, over half (54, 43%) were in the middle-income level (Rs. 10,000-15,000 per month), while over a fifth (28, 22%) reported being in relatively better-paying jobs (with incomes of over Rs. 15,000 per month).

The highest income levels reported was not associated with any particular occupation (although all four fisheries workers reported incomes just above the poverty line).<sup>78</sup>



<sup>77</sup> Government of Pakistan (2019, 179). Calculated at the August 2019 exchange rate of around Rs. 160/\$.

<sup>78</sup> To reduce the categories of occupations illustrated (for clearer presentation), the lower chart (Main Occupations) excludes responses from 4 fisheries workers (all reporting a monthly income of Rs. 10,000-15,000); and from 1 inmate reporting two jobs (“garments work and fishing” and a monthly income also of Rs. 10,000-15,000). Note that the previous chart includes these 5, and shows data for all 127 inmates who reported being employed.

Within this sub-sample (of 122 inmates), the highest average monthly income was reported by drivers (Rs. 14,500), followed by cleaners (Rs. 12,000), labourers (Rs. 11,900), craftsmen (Rs. 10,900), and finally, vendors (Rs. 6,500).<sup>79</sup> The overall weighted-average income reported by the 127 children who responded to this question is estimated as Rs. 11,700 per month.<sup>80</sup>

While the notion that employment reduces the likelihood of run-ins with the law does not hold true for this survey, the findings on lack of education and low income are fairly consistent with the literature that finds these to be risk factors. It would appear that there is a vicious circle in which poverty leads to children dropping out of schools, which in turn restricts their opportunities to earn higher incomes. Both, exacerbated by incarceration (especially over long periods), contribute to children coming into conflict with law.

### 4.3 Sources of Influence

This section shifts the focus to children's immediate surroundings, familial relationships, and community-level factors that might play a role in juvenile delinquency. A variety of theories in industrial countries have been offered to shed light on such factors, from which four interrelated clusters of influence emerge: family, peers, schools, and drugs.<sup>81</sup>

**Table: Traditional Theories of Delinquency**

Classical Theories	Criminal behaviour is viewed as purposive and wilful; individuals engage in criminal activities because they choose to do so.
Biological Theories	Criminal behaviours are viewed as products of genetically or biologically influenced personality or emotional characteristics.
Psychodynamic Theories	Criminal behaviour represents deviant behaviour that can be explained by means of psychological processes; psychoanalytic and social learning theories are important examples of the approach.
Control Theories	Criminal behaviour is explained in terms of the individuals' relations with their social environment; failure to develop attachments to social institutions and a lack of commitment to conventional values are the key variables
Economic/ Sociological Theories	This large group of theories locate the causes of criminal behaviour in a social, economic, or cultural context; Marxist, anomie, and labelling theories are examples.

*Source: Robert D. Hoge (The Juvenile Offender: Theory, Research and Applications 2001, 52).*

In the light of these theories, evidence from other countries, such as India and Turkey, among others, corroborates the generic importance of family and friends, and the wider social, economic and spatial environment as contributing factors to child delinquency.<sup>82</sup> This section therefore breaks down factors in the immediate surroundings – family demographics, gang membership, and drug use – to organise responses to the survey in an effort to glean some notions of likely influence.

#### 4.3.1 Family

Most children reported living in large nuclear families, with multiple gainfully employed family members, who were providing for several school-going children.

<sup>79</sup> These average incomes by occupations, represent averages (weighted by number of responses) of reported incomes, using the mid-point of each income interval (so Rs. 3,750 for the 'Rs.2,500 – 5,000' interval, etc.; and, arbitrarily, Rs. 22,500 for the 'Over Rs. 20,000' interval). The resulting weighted-average was rounded to the nearest Rs. 100. These estimates are indicative of those surveyed and should not be generalised beyond this specific sample.

<sup>80</sup> This is calculated from all 127 responses, including the 4 fisheries workers and 1 inmate reporting two jobs ("garments work and fishing"), who all reported a monthly income of Rs. 10,000–15,000.

<sup>81</sup> See Siegel and Welsh (2012, 276–431).

<sup>82</sup> In India, "Family factors, peer influence, and individual factors were found to be contributing factors for delinquency... Others have reported a lack of family control, neglect, poverty, and exposure to media violence as contributing factors for delinquency" (Kethineni 2017). Similarly, "Research in Turkey has shown three main groups of factors influencing juvenile delinquency: demographic, socioeconomic, and familial... Young age has been shown to be related with criminal behaviour... Juvenile homelessness, drug abuse and addiction, and school dropout are serious risk factors... Individual Background... Juveniles in households where families are fragmented or parents are separated are at a higher risk of committing crime, due to the lack of sufficient family control and the low intrafamily communication generated by that situation..." (Ziyalar and Çalıcı 2017). For a survey of theoretical explanations for juvenile delinquency, see Barbara Sims (2006, 77–92), and Table 4.2 above.

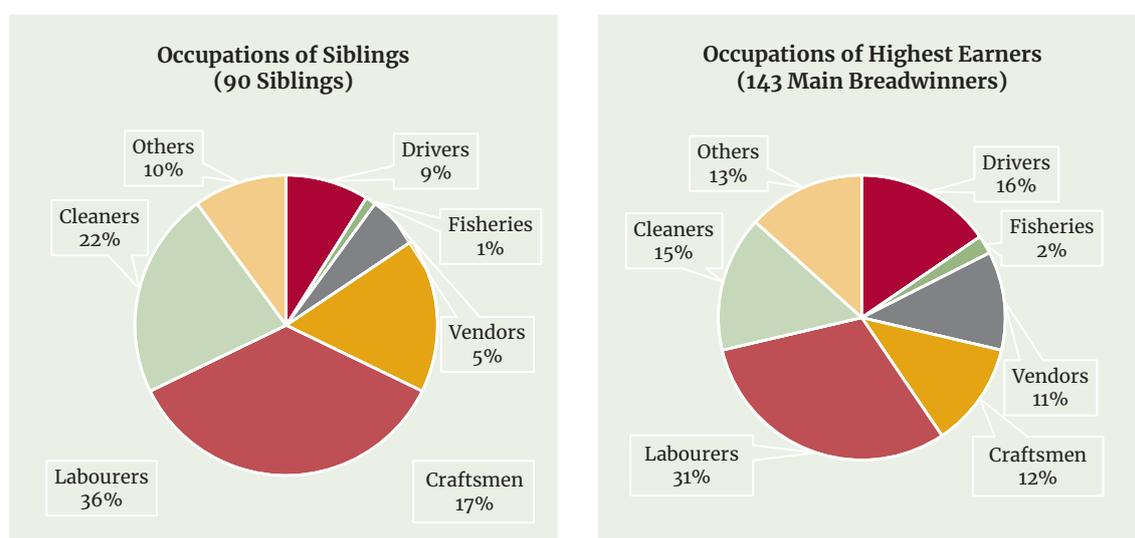
A vast majority (83%) said that they lived in a nuclear family; less than one in six (15%), in a joint family. A large majority (71%) said that both their parents were alive. Almost two-thirds (62%) said they had 5 or more siblings; almost a third (32%), 3-4 siblings. In terms of birth order, most (58%) of the inmates said they were in the middle; but the eldest children (26%) significantly outnumbered the youngest ones (15%). With the exception of a small proportion (17%), all said that their siblings (from one to nine in number) attended an educational institution. Most (59%) said their siblings – usually one (37%) or two (15%) – were employed.

#### Household size

Counting other relatives living with them, a majority (58%) said that they lived in homes of 5-10 family members; while over a quarter (28%) said that their homes consisted of 10 or more family members. Less than one in eight (12%) lived in 0-5 member households.

#### Household Assets and Income

Interestingly, most children (52%) reported that their families owned, rather than rented, the houses in which they lived. This is somewhat less than the proportion (66%) of ownership of dwelling by a household member reported in the Karachi Division.<sup>83</sup>



In terms of household income, however, the position is more complex. In a large proportion (60%) of families, parents and siblings worked to make ends meet. The income of children (reported in the previous section) was the highest income in a small proportion (19%) of households. In most cases (45%), the father, or usually (in 30% of cases) the child's brother was the highest income earner in the family. Mothers were the highest earners for only 2% of the inmates.

The highest earners in the family as well as the children's siblings were employed mostly in the same occupations as those reported by the children, but they were reported to be working also at a number of other kinds of jobs (classified as "others" in the chart: as agricultural and government workers, teachers, and in security services, etc.).<sup>84</sup>

In comparison to the children themselves (see earlier chart), a significantly greater proportion of the highest earners and the children's siblings were occupied as drivers (16% and 9% vs. 6%). As a result, a significantly lower proportion of them were employed as labourers (31% and 36% vs. 40%) and cleaners (15% and 22% vs. 26%). Interestingly, while the share of highest earners compared to children, in those employed as craftsmen was lower (12% vs. 15%); that of siblings was higher (17% vs. 15%).

<sup>83</sup> In 2014, as reported by Sindh Bureau of Statistics and UNICEF (2015, 16).

<sup>84</sup> As noted earlier, for greater details on job classifications used, see Appendix 5. A few (3.5%) of the main breadwinners were also reported to be working as shop owners (included in "Others" in their chart).

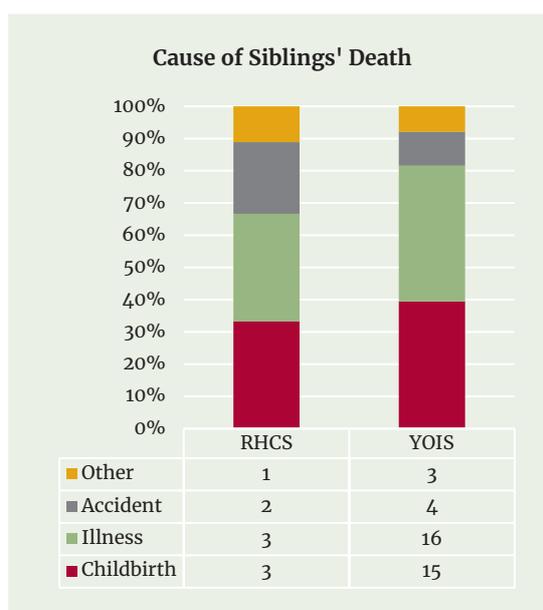
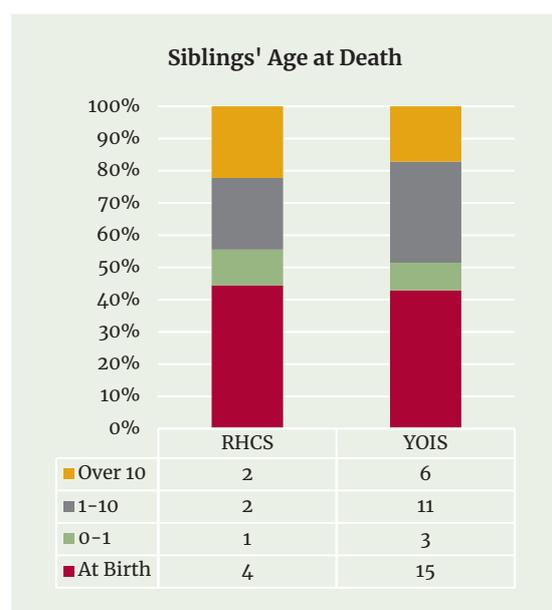
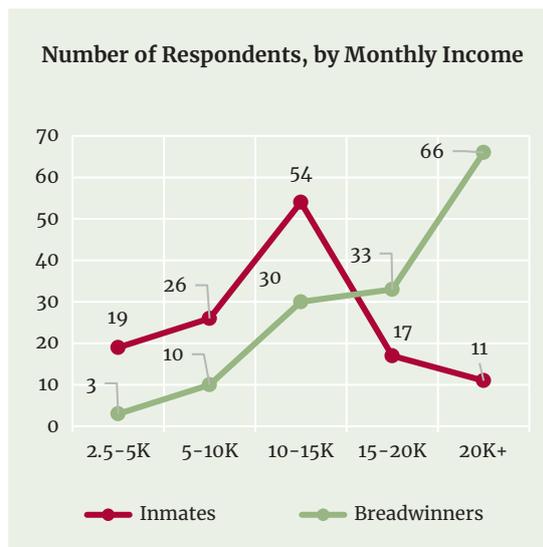
As can be expected, the highest income earners in the family (Breadwinners, in the chart) were reported to earn significantly more than the children. Most (46%) of them had a monthly income of over Rs. 20,000 (vs. 9% for inmates); many (23%), in the Rs. 15,000–20,000 range (vs. 13%). In the lower income brackets, these proportions were reversed. The shares of children were higher than those of main breadwinners: in the Rs. 10,000–15,000 bracket (43% vs. 21%), in the Rs. 5,000–10,000 bracket (20% vs. 7%), and in the lowest Rs. 2,500–5,000 bracket (15% vs. 2%).

In sum, the children surveyed, their siblings and the highest income earner in their households were all employed in relatively low-paying jobs, albeit in a variety of sectors.

#### Household Basic Needs

Almost all (119 of 121) children who responded indicated that their households struggled to afford basic household expenditures. Over a quarter (28%) of them said that their families struggled to afford food and clothing each month, while close to one-third said that their families struggled to pay for electricity (40%) and health expenditures (33%). A much smaller number said that paying rent each month was difficult (18%), as was water and gas bills (7% each).<sup>85</sup>

Additionally, some indirect evidence on access to healthcare is provided by answers to three questions on whether any of the children's siblings had passed away and if so, at what age, and for what reason. It is significant that 47 of 149 (32%) reported that at least one of their siblings had passed away. Again, in terms of age at death, it is remarkable how great a proportion of siblings were reported to have died at birth (43%) or before reaching the age of one (52%); and the cause of death being reported as childbirth (38%).



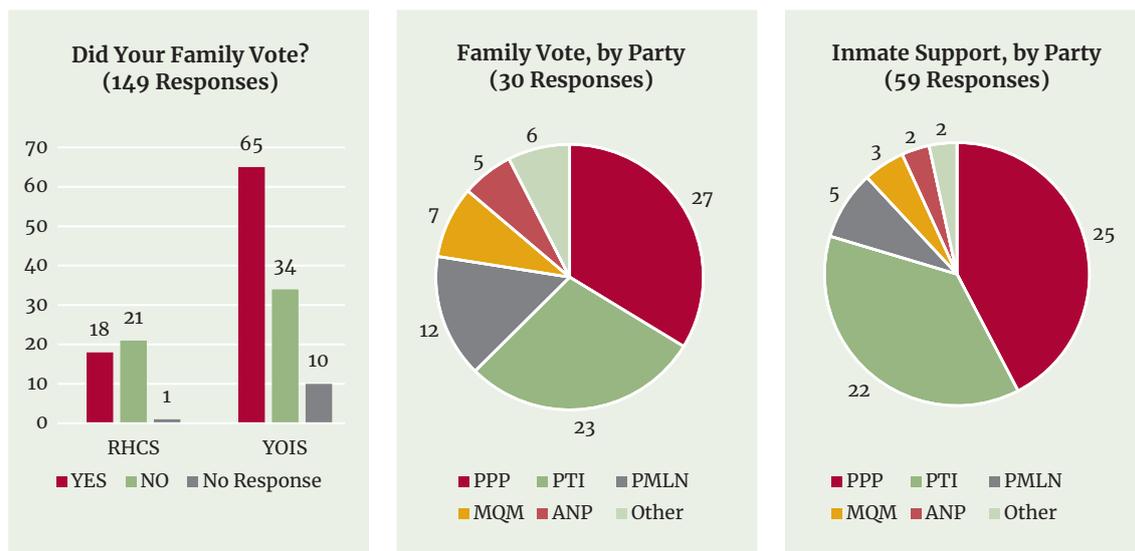
<sup>85</sup> In these calculations, each mention of a need in responses naming multiple needs have been taken as a percentage of those who responded to the question (121 of 149 surveyed). This is why the percentages add up to over a 100%.

To put this in perspective, the infant mortality rate in Pakistan – the number of children born alive who die before reaching the age of one – is estimated at less than one percent of live births.<sup>86</sup> It is equally remarkable that two of five (40%) of their siblings died of some illness or the other. Clearly, access to effective and affordable healthcare was severely limited in the families of incarcerated juveniles. These figures are illustrated in the chart.<sup>87</sup>

In sum, the above findings on basic needs and health indicators highlight the extent to which children and their families experience multidimensional poverty. The difficulty juveniles described in accessing food, clothing, water, electricity, and healthcare are all indicators of structural violence, which point to the state’s failure to provide essential services to the urban poor.<sup>88</sup> Previously cited studies and reports indicate that consequently this fosters conditions in which crime and violence thrive. The final section of the report will compare these conclusions to the thoughts and perceptions of children on why urban youth populations commit crimes.

#### 4.3.2 Political Participation

In addition to personal and family influences, being involved in the social and political life of one’s community, society and nation – can be both an inhibiting and contributing factor in children coming into conflict with law. While the study did not investigate local community involvement, children were questioned about whether their family voted in the last national elections (held in July 2018), for whom, and which party did the child support (since they were too young to vote).



Of those who responded, the families of most (60%) had voted in the last elections. In terms of preference for major political parties, most (27%) had voted for the Pakistan People’s Party (PPP), followed by Pakistan Tehreek-e Insaaf (PTI, 23%), Pakistan Muslim League (Nawaz) (PMLN, 12%), and the Muttaheda Qaumi Mahaz (MQM, 7%).

A majority (59%) of inmates indicated that they did not support any political party. Of those who did, the largest number supported PPP (42%), followed by PTI (37%). Each of the other major parties had a negligible number of supporters among the children. Close to half of those who expressed support for a political party said they did so because the party did some work for the benefit of the area in which they lived (41%), while a fourth did so simply because their families supported that party (36%). It is significant that prisoners supported political parties that they felt were contributing to social welfare. It suggests that were other programs for civic engagement and welfare introduced into such neighbourhoods, local communities would likely support them.

<sup>86</sup> According to estimates for Pakistan for 2018, by the UN Inter-Agency Group for Child Mortality Estimation (IGME), as reported by UNICEF (2019): 61 per 1,000 live births. An earlier estimate for Sindh for 2014 is 82 per 1,000 (Sindh Bureau of Statistics and UNICEF 2015, x).

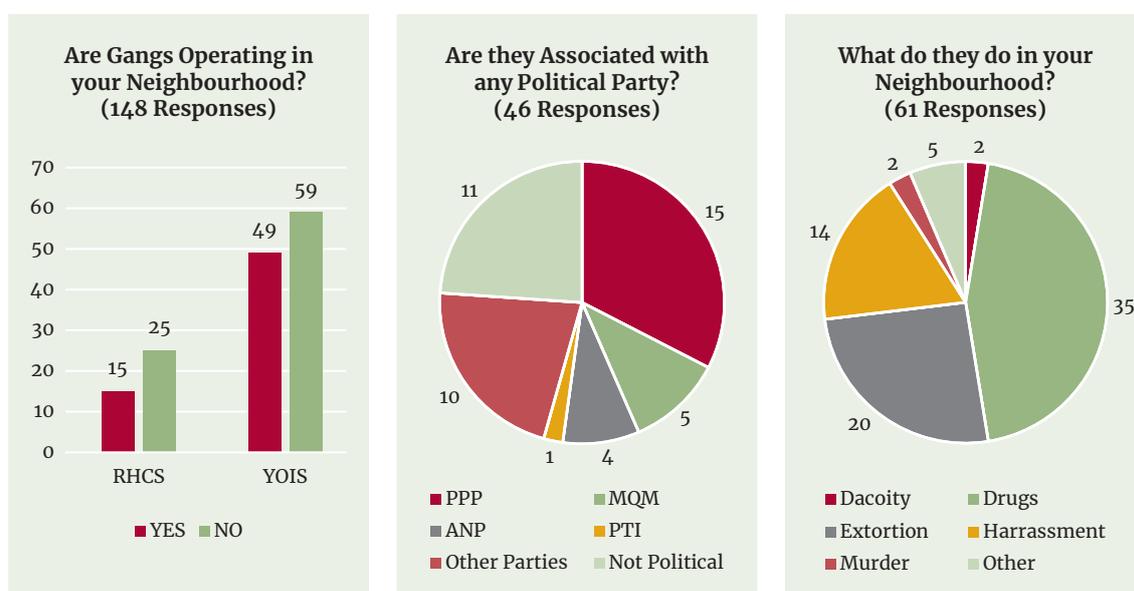
<sup>87</sup> All 47 children who reported the death of a sibling, named a cause of death; but 3 could not give the age at death. Consequently, the figures reported in the two charts add up to 47 for cause of death, but 44 for age at death.

<sup>88</sup> See, for example, Salahub, et al. (2019).

### 4.3.3 Membership in Gangs

International literature notes the difficulty of defining gangs, especially in a non-circular way.<sup>89</sup> If ‘gangs’ are defined as groups engaged in criminal activity (among other markers, differentiating them from other organised community groups), then the discovery that gangs commit or contribute to crime becomes tautological and unhelpful for policy purposes. Nevertheless, it is widely held that “Statistical data in many countries show that delinquency is largely a group phenomenon; between two-thirds and three-quarters of all juvenile offences are committed by members of various groups. Even those juveniles who commit offences alone are likely to be associated with groups.”<sup>90</sup>

Consequently, the study inquired of children whether there were ‘gangs’ operating in their neighbourhoods and if so, whether they were associated with any political party, and what did they do. Responses to these questions are shown in the charts below.<sup>91</sup>



A majority (56%) said that there were no gangs operating in their neighbourhoods. Of those who identified the political affiliations of the gang, a third said that it was associated with the PPP (33%), while roughly an equal number named the MQM (11%) and ANP (9%). The vast majority of the activities in which the gangs were said to be involved were related to drugs (59%), while extortion (20%) and harassment (14%) were the next most frequent activities of involvement.

The vast majority said they were not personally members of any gang (82%), nor was any of their family member (97%).<sup>92</sup> Of the remaining 24 children who admitted to being in a gang, seven said they joined because of peer pressure; ten pointed to the need to earn money along with peer pressure;<sup>93</sup> and four explained that the gang they were in was a personal “gang of friends.”

Of those children who said that there were gangs in their neighbourhoods, their neighbourhoods were distributed relatively evenly throughout Karachi’s districts – 21% from Karachi West; 18% Karachi Central; 17% from Karachi South and Malir; and 14% from Karachi East.

<sup>89</sup> For a brief survey of the literature, see Wood and Alleyne (2010); for the link to drugs Rosen and Kassab (2019).

<sup>90</sup> UN (2004, 191). Also, that: “Those most likely to participate in delinquent activities are members of territorial gangs. According to statistical evidence, they commit three times as many crimes as juveniles and youths who are not gang members. Studies reveal that the most frequent offences committed by gang members are fighting, street extortion and school violence.” (p.192).

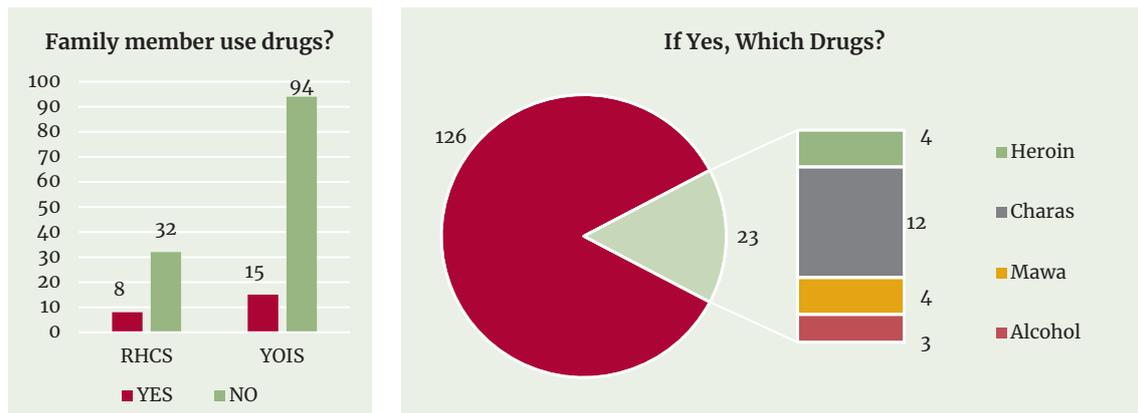
<sup>91</sup> For clearer presentation, a very small number of “Don’t Know” and “No Response” have been excluded from the pie charts. In the final chart, based on 61 responses, the numbers reported add up to 78 because of multiple activities cited by some respondents.

<sup>92</sup> As mentioned in the limitations section of this study, the presence of prison officials during each interview could have affected the inmates’ responses to this question.

<sup>93</sup> Although the sample is very small, there was no difference in peer pressure as the reason for joining a gang, between younger offenders in Remand Home (3 of 4, 75%) and older ones in YOIS (14 of 20, 70%). Although not in a comparable setting, this contrasts with the findings of M. J. Khan (October 2018), who constructed a Peer Pressure and Tendency of Juvenile Delinquency Scale and tested it on 400 adolescents (ages 13–18) in schools and colleges of Rawalpindi and Islamabad. Among other results, she found that students in early adolescence phase have more peer pressure in academic and social setting as compared to students in late adolescence phase.

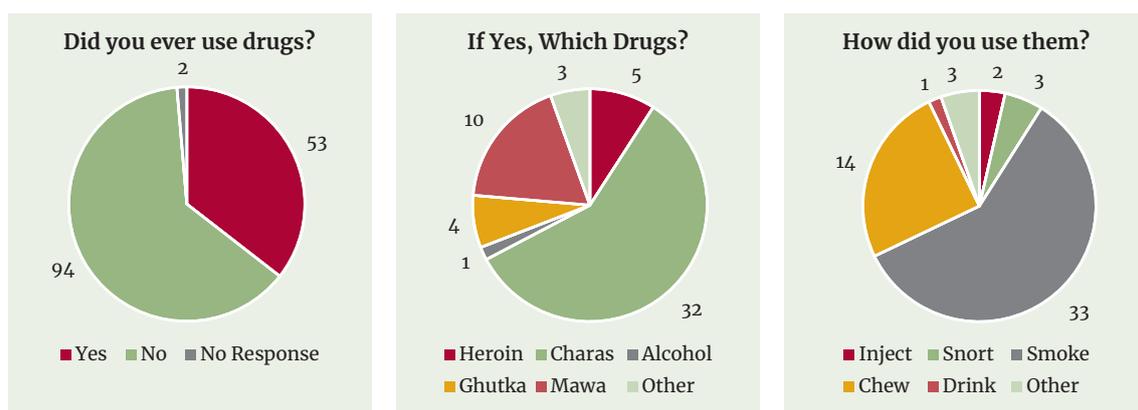
#### 4.3.4 Drug Use

International literature suggests three ways in which drug use may lead to criminal activities. First, drugs can affect the mind and body to create mental or physical states that may contribute to aggression or theft. Second, a drug user who lacks the necessary funds to satisfy his need may be led to predatory crimes, like burglary, robbery, or theft, among others. Finally, for psychoactive substances that are illegal to grow, manufacture, trade, or use, victims of crime are unlikely to report it to the police, rendering them both more vulnerable to coercion and retaliation. In short, the direct psychopharmacological effects of drugs may lead to crime, or the need for drugs can lead to predatory crimes (like robbery, burglary, and theft) and entrepreneurial crimes (like drug dealing or prostitution), or the illicit nature of the activity can render the user both incapable of seeking access to the formal justice system and vulnerable to predatory and retaliatory crimes.



Substance abuse, in general, and among children, in particular, has become a serious problem in Pakistan,<sup>94</sup> with opioids<sup>95</sup> and cannabis<sup>96</sup> appearing to be the drugs of preferred choice. Children were asked whether any of their family members used drugs and if so, what drugs did they use.

The incidence of drug use in families of children surveyed was high, especially in RHCS (20%) as compared to YOIS (14%). The reported use of heroin was comparatively low (17%), while cannabis (*charas*) seems to be the drug of choice among family members (52%).<sup>97</sup> Tobacco (*mawa/ghutka*) and alcohol, considered “drugs” in Pakistan, were the second most popular source of intoxication. Inmates were also asked whether they had ever used drugs and if so, which drugs, how they used them, and who supplied it to them.



In the Remand Home, where children tend to be younger, 11 of 40 inmates (28%) said that they had used drugs (mainly *charas* and *mawa*). The comparable figures in YOIS were 42 of 109 (39%), where in addition to *charas*, *mawa*, and *ghutka*, 3 of 42 users (7%) reported use of heroin as well.

<sup>94</sup> Pakistan is located in one of the two major narcotics-producing areas of Asia: the “Golden Crescent” (Afghanistan, Iran and Pakistan); the other being the “Golden Triangle” (Kampuchea, Myanmar and Thailand).

<sup>95</sup> Opioids include opiates, drugs naturally derived from the flowering opium poppy plant: like heroin, morphine and codeine; and synthetic drugs like morphine, codeine, and any other substance that binds to the brain’s opioid receptors (the parts of the brain responsible for controlling pain, reward and addictive behaviours).

<sup>96</sup> Cannabis, also known as marijuana among other names, is used in a handmade hashish (“hash”) form, called *charas*, in Pakistan.

<sup>97</sup> *Charas* is a psychoactive drug made from the resin of the Cannabis plant and is used for medical or recreational purposes. *Mawa* and *ghutka* are varieties of smokeless tobacco that are chewed, and are addictive carcinogens.

The drugs of choice are chewing tobacco (*mawa* and *ghutka*), cannabis (*charas*) and occasionally, alcohol, not opioids (so-called “hard drugs”). For statistical comparisons, it should be noted that while harmful, tobacco (smoking or chewing) is not considered a “drug” outside Pakistan and is not included in international statistics on drug use. Only 3 of 149 children (2%) reported using heroin.<sup>98</sup> In both the Remand Home and the YOIS, the overwhelming majority (over 80%) of users reported being supplied by dealers, although inmates in the YOIS also reported friends as a secondary source of supply.

#### 4.4 The Child Offender as Victim

This study thus far has dealt with indicators of structural violence and inequality as risk factors for the commission of youth crime. This section examines the link between child populations who come into conflict with law and their experiences of violence or victimization at the level of the neighbourhood and home.

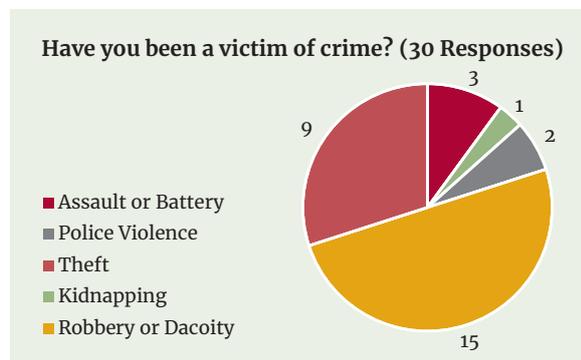
The relationship between violence and victimization (in its many forms) and offending is widely documented.<sup>99</sup> Exposure to violent and unsafe neighbourhoods has been linked to children displaying greater tendencies towards crime and delinquency, while other studies have reported that children exposed to family violence are similarly affected.<sup>100</sup>

Children who face violence in the home are more likely to experience emotional problems, abuse substances, and commit crimes.<sup>101</sup> Violence in the community and home link to notions of structural violence; instead of merely focusing on material constraints (such as poverty, unemployment, and unequal access to goods and services) this shifts the attention to constraints juveniles at a familial and neighbourhood level, as well.

##### 4.4.1 Neighbourhood Crime, Violence, and Perceptions of Safety

Children were asked whether they had ever been victims of a list of crimes. Their responses are shown in the chart.

Most (RHCS 90%, YOIS 79%) said they hadn't been a victim of the named crimes; nor had any member of their families (RHCS 70%, YOIS 82%). Of the few who had been victims, dacoity, robbery and theft were the most frequently mentioned crimes (Remand: 9 of 11; YOIS: 14 of 18).<sup>102</sup>



#### Historical Context of the Pakistan Police

Pakistan inherited, in 1947, a more-than-eighty-year-old police system from the British. The overriding consideration before those who designed the police organization in 1861 was to create an instrument in the hands of the – colonial – government for keeping the natives on a tight leash, not a politically neutral outfit for fair and just enforcement of law. Police was designed to be a public-frightening organization, not a public-friendly agency. Service to the people was not an objective of this design...

It is crucial to understand the basic difference between a colonial police and a police meant for a free country. Whereas the former was geared at raising semi-militarised, semi-literate, underpaid, bodies of men for maintaining order by overawing an often turbulent and hostile – native – population, the latter aimed at creating quality professionals tasked to prevent and detect crime in plural, multi-ethnic and socially conscious communities, through just and impartial enforcement of laws. The former knew how to rule, the latter to serve.  
M. Shoaib Suddle (2003, 94-95)

<sup>98</sup> As noted in the Limitations section, it is possible that juveniles' answers to this question were affected by the presence of a prison official while surveys were being conducted.

<sup>99</sup> M.R. Gottfredson, Grande-Bretagne. Home office (1984), and Jensen and Brownfield (1986).

<sup>100</sup> Garbarino, et al. (1992), and Bell and Jenkins (1991).

<sup>101</sup> Cicchetti and Toth (1997), National Research Council, Commission on Behavioral and Social Sciences and Education (1993), and Lynch and Cicchetti (1998).

<sup>102</sup> One “Don't Know” and two “No Response” answers have been excluded from these calculations.

An overwhelming majority said that they didn't trust the police (Remand: 34 of 40; YOIS: 96 of 109).<sup>103</sup>

Not surprisingly, therefore, when asked if they had reported the crimes to the police, most victims replied in the negative (Remand: 7 of 9; YOIS: 13 of 22). Mistrust of the police was the most frequent reason cited for not reporting (Remand: 7 of 7; YOIS: 7 of 13).

Child interviewees agreed almost unanimously that law enforcement institutions in the city are habitually inefficient and corrupt. Crime in the city will never decrease, they stressed, if the police continue arresting innocent people and extorting the weak and vulnerable. One child said:

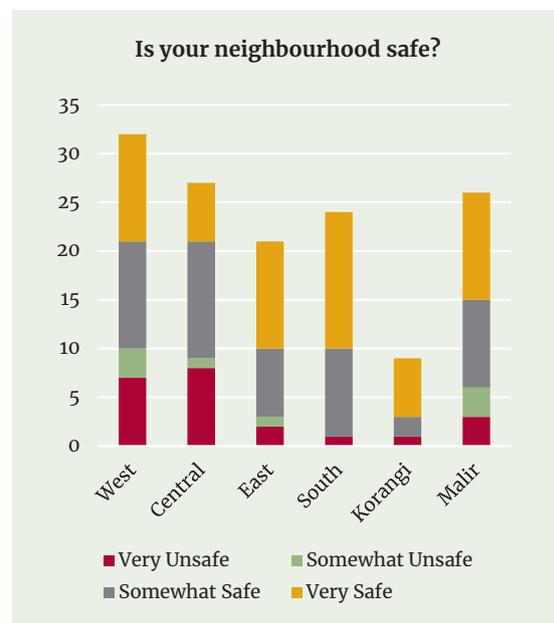
“The police take money from everyone. Out of 100 police, you will find maybe 10 of them who are not taking money from people. Sometimes, they arrest people who have done nothing wrong.”

Others said that expecting the police to prevent crime was unrealistic because “they are all involved in it themselves.”

The disillusionment with the police was so deep-seated that some even recommend that the army be brought in to reduce crime in Karachi, or that responsibility be taken away from the police and given to the rangers instead. One interviewee went as far as to say that:

“The police turn people into criminals. They arrest innocent people; they make you out to be a criminal even if you're not. If our institutions provide proper justice and facilities to our people, no one would commit a crime.”

When those children who did report the crime were asked what happened, only one child in the YOIS said the accused was arrested. The rest either said that nothing happened (Remand: 2; YOIS: 2), or that the police in one fashion or the other did not cooperate with the complainants (YOIS: 6). Of the latter, three YOIS complainants said that they themselves were arrested by the police.



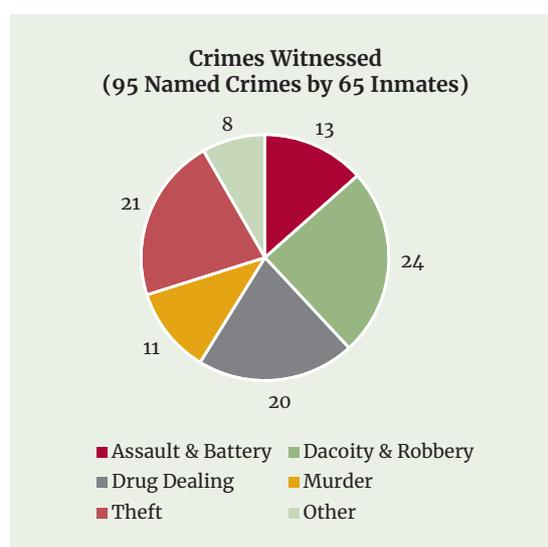
Children were surveyed regarding whether they considered their neighbourhoods to be safe or unsafe. Surprisingly, perhaps, most respondents considered the neighbourhood they lived in to be “somewhat” or “very” safe (Remand: 91%, YOIS: 75%). Compared to other areas of the city, inmates from Karachi Central and

103 For a critical appraisal of the Sindh prison system, in the context of a review of the criminal justice system, see Bhutta, et. al. (2015, 49).

West districts considered their neighbourhoods to be more unsafe than safe; and those from Karachi South, by far the safest.

Children were also asked about whether they had witnessed crimes taking place in their neighborhoods, and if so, what kind. Over half (56%) of the inmates said they had not. Of the rest, interestingly, robbery and dacoity, drug dealing, and murder accounted for the majority of the crimes named. There is no immediate explanation for the discrepancy between experience and perceptions.

Children interviewed for the qualitative section of the research also had conflicting answers. Some pointed out that the only thing they had to fear in their neighbourhoods was the presence of police who picked up innocent people and involved them in fake criminal cases. Others said their neighbourhoods were incredibly unsafe, giving examples of drug dealing, dacoity, and general crime.



Parents who said that their neighbourhoods were unsafe tended to focus more heavily on previously discussed factors – groups of boys who were responsible for bringing drugs and vice to the area. It was not possible to discern a pattern with specific neighbourhoods as the interviewees were from different areas in Karachi.

#### 4.4.2 Perceptions of Violence and Safety at Home

A majority revealed that they were beaten at home. The most frequent reasons cited were general disobedience, not going to work or school despite being told to, coming home late, and doing drugs (*ghutka* and *charas* being the most frequently mentioned). Interviewees did not immediately make a link between fear and violence in the home, as interviewers assumed they would.

The question “do you feel unsafe at home” was always answered in the negative. The same interviewees would then describe corporal punishment inflicted on them by parents and older brothers, sometimes extreme to the point of beatings with sticks, pipes, shoes, and belts. When this was followed by the question “are you afraid of anyone at home,” children would admit to being afraid of the family members who hit them, while some followed this up by adding that it was a parent’s unequivocal right to hit his/her child.

One child used the word “hitting” and *samjhana* (explaining/teaching) interchangeably and when asked whether there was a difference, gave an interesting answer:

“Well yes, because you learn from beatings! But actually, the thing is, if you can mend your ways as a result of your elders explaining something to you, then you’re probably a better person. That is much better. But if you understand only after being beaten, then you’re just going to fix your habits for a few days and get right back to what you were doing before!”

Some of the other children corroborated this; they freely admitted that they behaved themselves for a few days after being hit, but then returned to their old habits soon after.

Overall, the answers revealed that most children were desensitized to violence in the home. Many reported that their siblings hit each other, sometimes in play, and other times, for serious reasons. One boy pointed out that his younger brother chews *naswar* (tobacco-based mixture) and drinks petrol, so he hits him to discipline him

and on one occasion, poured detergent down his throat to teach him a lesson. Less than half the boys interviewed said that their fathers hit their mothers; the remainder either said it never happened or that they had not seen it happen personally.

Many interviewees' immediate answer to the question of whether they had been hit in the home was "o, never." Upon further probing, however, the answers would change because hitting and slapping was not perceived as violence worth mentioning. Some examples of this include:

"Oh yes, ok, sometimes my father will hit me. Not very hard, though, just a few slaps here and there. He hits me when I hang out with the wrong kinds of people, with *charsis* [those who use *charas*, or drugs in general],"

or

"Yes of course, my parents never hit me. They only gave me a few *chamats* (slaps) now and then. They do this if I misbehave or didn't listen to them."

The only children who immediately answered in the affirmative when asked if anyone hit them at home were those who experienced extreme levels of violence from family members. For instance, one boy described how his father once split his head open while beating him and another talked about how his older brother hung him upside down from a fan for three hours. Both incidents were because of the boys' drug use. Another boy recalled a time his father was beating him so hard that he broke his finger. He said,

"I respect my parents a lot. I'm scared of my father. When he starts hitting, he will not stop. Hitting makes children worse not better."

Parents' conversations on corporal punishment mirrored the frustration and helplessness they expressed when concluding that drug use and suspicious boys in the neighbourhood had ruined their sons. They hit them because they did not know any other way to make them behave. In response to whether his son ever made him angry, one father exclaimed:

"Of course! Obviously, he makes me mad! I tell him to work and he doesn't. I tell him to stop hanging around with these useless people in the neighbourhood and he doesn't listen to me about that. I tried to put him in madrasa three times...And he ran away each time. When I get angry at him, I hit him, I slap him. I hit him a lot! I also beat him with sticks. What do you expect me to do? I have no choice; he doesn't listen to me. When I hit him, only then he listens to me – for a little while."

Another mother expressed her shock and sadness at the fact that her son had turned to drugs and recounted her failed attempts to make him stop. Finally, when nothing else worked, she began hitting him:

"I beat him when I'm frustrated. I don't know what else to do, no matter how much I explain, he doesn't listen. What am I supposed to do as a mother? I beat him hard, I slap him, I hit him."

Unsurprisingly, there is a great deal of multi-disciplinary literature that links early childhood experiences of victimization and violence to later delinquency and crime,<sup>104</sup> but the more salient point for policy intervention is the sense of state failure that underlies family dynamics in which frustrated parents beat their defiant children for lack of better solutions.

There is little public awareness that drug addiction is a symptom of illness rather than disobedience (and therefore cannot be cured through corporal punishment), and there are few treatment protocols or in-patient drug rehabilitation centres in the public sector where parents can send children who struggle with substance abuse. In the absence of social welfare programs and treatment options, the one thing the state does provide, ironically, is the confines of prison – which is troublingly seen by some parents as the only remedy to treat their children. One mother pointed out, for instance, that her son seemed to be behaving much better since his arrest and subsequent detention in prison.

104 Fantuzzo and Mohr (1999), Fergusson and Horwood (1998), Widom (1998), Weaver, Borkowski and Whitman (2008).

#### 4.5 Perceptions of Why Children Commit Crimes

As previously stated, a sample of children and their parents were interviewed separately to test their understanding of youth crime factors against findings in the literature. Among child interviewees, *majburi* (compulsion/helplessness) and *ghurbat* (poverty) were frequently cited as reasons for why young people in Karachi commit crimes, accompanied by examples of chronic unemployment, the inability to feed one's family or meet the household's daily needs, and the increasing prices of goods and services. Some who gave this answer were living in rented homes with over ten family members, were the main breadwinners for their families, and earning between Rs. 5,000–15,000. Others with the same answer lived in owned homes, earned from Rs. 10,000 to over Rs. 20,000 prior to incarceration and reported at least one other breadwinner in the family also earning between Rs.15,000 – Rs. 20,000 or over.<sup>105</sup>

While financial deprivation and unemployment were linked to the commission of youth crime, there was also a consensus among many interviewees that crime is by no means limited to the poor – “good” people, “bad” people, the rich and the poor were all implicated. One child succinctly summarized the state of the Pakistani criminal justice system:

“Everyone commits crimes. Rich people basically don't commit crimes because after they get arrested, they pay off the police to let them go. This is because our law is bad. The law is made for rich people, poor people have nothing.”

Variations of this sentiment were frequently expressed in many interviews.<sup>106</sup>

Interestingly, the parents interviewed for this study rarely mentioned financial deprivation and unemployment when asked why young people commit crimes. Their answers centred on rampant drug use among the youth, the bad company their children kept, and lack of parental supervision. In particular, there was a palpable sense of frustration and helplessness about their inability to protect their children from the *bura mahaul* (bad or corrupt environment) and to prevent them from drug use. Virtually all the parents narrated the same story: their children were once responsible, well-behaved, and productive members of society, but eventually became friends with a group of disreputable boys in the neighbourhood who ruined their characters and led them down the path of vice and drug addiction. In the words of one mother:

“I'm shocked. I'm just shocked at how children do drugs now. My son started doing drugs 2–3 months ago and I was just shocked. I couldn't understand it. I live in the Dalmia area and it is a very bad area ...The children commit crimes now because of drugs. They want drugs and they will do anything to get them. If they don't have the money, they will steal anything. They'll steal gutter covers, things from cars, anything.”

Another parent echoed similar feelings:

“You will see small children now, 15 years old, 14, 17, 18 –and they are all doing *charas* and powder and other drugs. They smoke it and then if they don't get money from their parents, they steal. They get these drugs from the neighbourhood. I don't know who supplies it but it's there and easily available to the children. And then they don't listen to their parents and they get caught by the police.”

While parents and children provided different perspectives on the role of financial vulnerability as a reason to turn to crime, many agreed that *shauq* (liking or enjoying it), *masti* (fun, seeking thrill; lit. inebriation), and *ayyashi* (living it up, indulging in luxury) played a central role. One boy explained,

“Only 10% of the 100% of people who commit crimes do it because of *majburi*. The rest do it out of *masti*, drugs, and bad company.”

<sup>105</sup> We were able to obtain this information by cross-checking the survey responses of the juveniles interviewed.

<sup>106</sup> The colonial origins of the system of law and justice that operates differently for the rulers and the ruled, and its persistence, has been widely written about. For a recent review, see Siddique (2013); for policing, see Suddle (2003).

Another said,

“Some young people commit crimes out of *shauq*. They will see other boys doing bad things and will want to do it themselves.”

There is a growing body of literature that studies the link between boredom, thrill-seeking, and criminal behaviour among youth populations.<sup>107</sup> Studies have shown that in the absence of positive stimuli, young people can be driven to seek fulfilment and enjoyment through crime.<sup>108</sup> In other words, “[t]he less attainable things are, the more likely one may feel a sense of deprivation, constraint, and boredom.” The fact that more than half the juveniles interviewed invoked themes of boredom and thrill-seeking as linked to the commission of youth crime merits deeper study that could reveal new insights removed from boilerplate areas of inquiry (poverty, unemployment, and delinquent peers) upon which policy-makers rely all too frequently.<sup>110</sup>

This study shows that both social and material impoverishment creates conditions conducive to crime. Efforts to reduce crime should not focus exclusively on policing and judicial interventions; rather, space must be created to finding outlets to counter feelings of boredom, helplessness, and desperation.

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107 This is an unexplored area of research. For an initial study, see Malizia (2018). For earlier work, see Scitovsky (1999), White (1997), Freeman (1996), Klapp (1986), and Zuckerman, et al. (1978).

108 Zuckerman, et al. (1978).

109 Sundberg, et al. (1991).

110 Newton (2001, 2).

## 5. REFLECTIONS & RECOMMENDATIONS

The problems of child justice are part of the problems of the criminal justice system, which, in turn, are inextricably linked to wider structural imbalances including access to quality education and healthcare, secure employment, and safe neighbourhoods.<sup>111</sup> Provincial budget allocations to health and education sectors remain low, and these larger issues (of reform of the system) are well beyond the scope of this study but they are addressed peripherally as they impinge on the scope for progress in juvenile justice reforms.

Our findings suggest that both material and civic impoverishment are major contributors to juvenile delinquency in the population surveyed. Where material poverty drives young children into the labour force, the absence of avenues for socially beneficial civic activities makes them vulnerable to peer-induced criminal activities.

This concluding section offers thoughts and recommendations on four priority areas: the criminal justice system, institutional arrangements for children, strategies for community-based prevention, and drug rehabilitation arrangements. Finally, underpinning each of these is a need for further research and documentation, which is also briefly discussed.

### 5.1. Enhancing Children – Sensitive Justice in the Criminal Justice System

While the state’s primary goal should be to prevent children from coming into conflict with the law, the criminal justice system has a role to play in intervention post-arrest, and there are numerous areas for assessment, improvement, and evaluation.

#### 5.1.1. *The Police*

The police are frequently unaware of national and provincial legislation about children’s rights at the arrest and investigation stage, and the importance of diverting them away from the criminal justice system. The JJSA 2018 has numerous noteworthy provisions in this regard, as also previously discussed in this paper. For instance, it mandates that arrested children be kept in an observation home, and probation officers informed of the arrest to enable the latter to obtain any information that might be useful for the juvenile court.<sup>112</sup> Age determinations must be made and interrogations undertaken in the presence of a probation officer, and a “social investigation report” prepared.<sup>113</sup> Disposal of cases through diversion is encouraged, and the investigating police officer is empowered to refer cases to Juvenile Justice Committees to resolve without resorting to formal judicial proceedings.<sup>114</sup>

In practice, however, legislation often fails to take into what is realistically possible given existing political will, resources, capacity, and budgetary realities. For instance, observation homes are not in existence as a result of which children are often detained in the same lock-up as adults while in police custody.<sup>115</sup> Such observation homes must be established and staff allocated and trained on how to deal with the arrest of children. Furthermore, until September 2019, Home Department reports indicate that of a sanctioned strength of 57 probation officers for the province of Sindh, there were only four currently assigned officers. Until the Reclamation and Probation Department appoints new officers, the JJSA’s provision that probation officers are called on by the police when a child is arrested and social investigation reports prepared – will remain dormant.

A recent positive development regarding implementation of the JJSA is that on October 28, 2019, the Sindh Home Department notified its very first Juvenile Justice Committee, which will allow for progress on the

<sup>111</sup> For a critical appraisal of structural constraints to and the politics of criminal justice reform, and their impact on recent reform efforts, see Siddique (2013).

<sup>112</sup> JJSA Section 5(1)(b).

<sup>113</sup> JJSA Sections 7(2) and 8.

<sup>114</sup> JJSA Section 9.

<sup>115</sup> UNICEF (2012, 44).

diversion provisions in the JJSA. An immediate challenge will be to create a mechanism for coordination between the police, prosecution, and juvenile courts for diversion referrals, and determining a system for the maintenance of data on children who are released through diversion. The nascent Committee's compliance with the JJSA remains to be seen, and the Legal Aid Society has established contact with the Chairman of the Committee and will be conducting meetings in the future to determine gaps and areas of possible assistance as needed.

Of further note are two recent efforts on the part of non-governmental organizations to divert juveniles away from formal judicial proceedings at time of apprehension by the police. The Society for the Protection of the Rights of Child (SPARC), in collaboration with the Sindh Police, have set up 5 Child Rights Desks at police stations in Khairpur, Sukkur, Hyderabad and Karachi<sup>116</sup> to deal specifically with issues related to children who come into contact with law enforcement. There is a need to study this model, determine its effectiveness, and undertake an analysis of whether police officers' attitudes towards juvenile justice have been affected since these desks were set up. It is also unclear at this stage whether there is public awareness of the existence of Child Rights Desks or their role in police stations, and this, too, merits further investigation by non-governmental organizations working on issues of children's rights. Since March 2019, the Legal Aid Society has piloted a Legal Empowerment Desk at the New Town police station in Karachi with the objective of providing legal advice, referral services, and legal awareness for cases of juveniles. As the project is still fairly new and only in existence in one police station, its long-term effects and sustainability remain to be seen.

### 5.1.2 Prisons

Pakistan has struggled to distance its prison system from its colonial past and into the framework of international human rights that emphasizes rehabilitation and social integration as an essential component of a prisoner's experience. Since the Remand home in Karachi and the four YOIS facilities in Sindh are practically administered and managed by the prison administration, young prisoners are also subject to a framework that privileges punishment over rehabilitation. LAS' sister organization, CWP-LAO, conducted a baseline analysis in 2018 of rehabilitative opportunities being offered in a majority of prisons in Sindh, and concluded:

“The low base level of services is provided and ascribed to all prisoners without having any understanding of particular needs of prisoners, which is essential for a comprehensive rehabilitation process. Thus, the rehabilitation approach is therefore limited, ad hoc and unsystematic ...[t]he Prison Department thus must be financially and technically supported in building a concerted policy to institute sustainable rehabilitative practices in line with international best practice.”<sup>117</sup>

In the past few years, however, the Sindh Government has made commendable efforts to shift its focus from punishment to a rehabilitative rights-based approach to incarceration. Most notably, the Sindh Prisons and Corrections Services Act 2019 (SPCSA 2019) was passed, which contains unprecedented language about the nature and purpose of prisons: “confining all Prisoners in safe and secure custody whilst ensuring their fundamental rights as enshrined in the Constitution ...and assisting the welfare and rehabilitation of prisoners and their reintegration into the society as law abiding citizen through provisions of reformation programs.”<sup>118</sup>

The Act further creates an independent Directorate of Corrections, Welfare, and Rehabilitation, whose mandate is solely the overarching goal of social and economic rehabilitation of prisoners to ensure their successful reintegration into society upon release. LAS's sister organization, CWP-LAO, is currently working in collaboration with the Home Department to reframe the Prison Rules with the aim of centralizing the planning, administration, and implementation for all educational activities and vocational training programs for juveniles and adults through the Directorate to ensure the sustainability of existing programs and their development within an integrated approach.

<sup>116</sup> UNICEF, Federal Ombudsman, (175)

<sup>117</sup> (Munshay 2018)

<sup>118</sup> Sindh Prisons and Corrections Services Act 2019, Section 2.

Once the new structures are put in place, it will be critical to monitor whether the spirit of the SPCSA will translate into meaningful, sustainable, and thoughtful rehabilitative interventions on behalf of children in detention in Sindh – programs that target the current and future social, psychological, and economic well-being of prisoners and allow them to successfully reintegrate into society upon their release.

### 5.1.3 Probation and Diversion

The legislative landscape dealing with probation in general (and juveniles, in particular) is a blend of overlapping acts and ordinances, some of which lay out the role of probation and parole officers especially with respect to children in conflict with law.<sup>119</sup> Probation officers are given broad powers to advocate for juveniles and thereby shield them from continued exposure to the criminal justice system, but these powers are persistently obstructed due to infrastructural deficiencies, budgetary constraints, and inadequate human resources.

For instance, Section 14 of the JJSA empowers probation officers to prepare a report on direction of the juvenile court at any stage of the proceeding to guide the court on the juvenile's background (educational, social, and moral), the possibility of sending him/her to a Juvenile Rehabilitation Centre, and any steps taken towards mediation and resolution of the case outside court. Section 13 of the Probation Ordinance 1960 places the probation officer in charge of supervising and visiting the offender periodically to ensure compliance with the court order, and even assist the individual in finding employment, if necessary.

In practice however, the Sindh Probation and Reclamation Department is virtually non-functional, as previously discussed, as there are only four appointed probation officers appointed against a sanctioned strength of fifty-seven. Furthermore, when a new cadre of officers are appointed, a needs assessment must be undertaken to understand the existing training curriculum as it relates to children in conflict with the law, as well as to understand the officers' own perceptions of their training needs. Such a baseline understanding could then inform the development and testing of a revised curriculum that has inbuilt performance indicators to measure changes in performance and behaviour.

In addition to improving the curriculum for probation officers, there are also structural impediments that the Government must work to correct. Despite the existence of the JJSA and various legislative instruments which refer to probation, diversion, and rehabilitation of children in conflict with law, there are currently no state resources allocated towards designing such programs, which could include victim-offender mediation, treatment or skills-based learning programs, or community service. This would require government-led coordination between the public and private sector to conceptualize, design, and implement pilot projects that not only divert children away from the criminal justice system, but also provide them with the skills needed to reintegrate into society and obtain employment.

The Home Department must identify areas in which lack of resources, budgetary constraints, and an absence of awareness and training in probation laws and procedures is impeding implementation. In addition, the government must facilitate coordination between all actors in the criminal justice system, and organizations and actors in the private sector whose expertise could be utilized to design sustainable and meaningful rehabilitation programs. The SPCSA's focus on reintegration into society, and reformulated Prison Rules, presents tremendous potential in this regard. The Directorate of Corrections, Rehabilitation, and Welfare – once notified and operational – will likely work in close collaboration with the Probation and Reclamation Department, other government actors, and civil society to fulfil its rehabilitative and reformatory mandate.

Institutional arrangements aside, research and conversations with various actors in the juvenile justice system reveal two disturbing trends: an ignorance of the particularized needs of children in conflict with the law, and a pervasive belief that such children are fundamentally corrupt and unable to change. Policy recommendations

<sup>119</sup> This includes the Probation of Offenders Ordinance (XLV of 1960) and Rules 1961; The Good Conduct Prisoners' Probation Release Act, 1926 and Rules 1927; the Juvenile Justice System Act 2018; and finally, the Juvenile Justice System Rules (JJSR) 2002 – passed by the Sindh government pursuant to the now-repealed Juvenile Justice System Ordinance 2000.

for the juvenile justice sector often mention the importance of regular legal trainings for stakeholders –the police, judiciary, prison staff, and probation officers – regarding Pakistan’s international and domestic child rights obligations, and the protective provisions of the JJSA.

In addition to this, however, the training curricula of actors in the criminal justice system must also include the cognitive structure and behavioural patterns of children and adolescents. Such patterns include risk-taking, disregard for long-term consequences, and susceptibility to peer pressure. Courses and training modules must be developed to teach actors in the criminal justice system on how adolescent behaviour and structural deprivation – rather than character flaws and inherent dishonesty – might cause individuals to come into conflict with the law.

In addition to deepening the understanding of adult actors in the legal system, children in the criminal justice system must also be made aware of their legal rights, and encouraged to speak up when such rights are violated. While the JJSA’s provisions emphasize diversionary methods to prevent deprivations of liberty, our study shows a sizeable incarcerated youth population. The state must provide such children with an environment that aligns with the goals of rehabilitation and reintegration. This includes the opportunity to participate in education, vocational training, physical exercise, arts and other creative classes, and sports. Such activities must be designed to prepare juveniles to return to society in a productive manner and to prevent them from future criminal activity. In addition to this, special attention must be given to how detention affects the mental health of incarcerated youth. In addition to mandatory mental health screenings, all jail facilities for children across the country should have regular visits by child psychiatrists and psychologists to assess the on-going mental health needs of the children, and to provide regular sessions as required.

#### 5.1.4 The Courts

As mentioned earlier in this report, the JJSA mandates that the government, in consultation with the High Court of each province, establish juvenile courts with exclusive jurisdiction over the cases of children in conflict with the law. In the five districts of Karachi, judicial magistrates I to IV have been notified to hear juvenile cases; in Hyderabad, judicial magistrates I to III; and in all other districts of Sindh, judicial magistrates I to II have been notified for this purpose.<sup>120</sup>

Central aspects of the JJSA that relate to juvenile courts’ coordination with the police, probation officers, and Juvenile Justice Committees have already been discussed. However, there is a need for data collection on whether the JJSA’s requirement that children’s cases be concluded within a six-month period is being met across the province, and if not, what accounts for delays. Anecdotal evidence from lawyers at the Legal Aid Office who handle over a hundred cases for children in the Karachi YOIS and Remand Home suggest that the vast majority of cases are disposed of within one year, among which, petty offence cases conclude within four to five months.

In addition to monitoring the length of time it takes to conclude juvenile cases, there is an urgent need to improve performance indicators for the judiciary –and the entire criminal justice system –which rely not only on disposal rates to document successes, but also take into account procedural fairness and equity; greater knowledge in the judiciary about international norms and standards relating to children in conflict with law and applicable domestic legislation; and an improved understanding of the importance of probation, diversion, and other means of rehabilitation when adjudicating cases of children in conflict with the law. The Sindh Judicial Academy in Karachi, which holds numerous trainings for judges on a diverse range of laws and procedure are especially well-positioned to work with child rights-focused organizations to design training needs assessments, performance indicators, and curricula for judges.

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120 Supranote 40.

## 5.2. Institutional Arrangements for Child Protection

In 2011, the Sindh Assembly passed the Child Protection Authority Act, which mandated the formation of the Sindh Child Protection Authority (“the Authority”) to oversee and coordinate all provincial efforts regarding child protection. It is headed by the Social Welfare Department (“SWD”) whose mandate of promoting social progress and economic betterment extends, in particular, to vulnerable children. The Act further establishes Child Protection Units (“CPUs”) that are to be resourced by Child Protection Officers (“CPOs”).

The Authority – which was formed only recently due to mounting pressure – has been criticized for still being non-operational, and a rights-based NGO filed a Sindh High Court petition in 2011<sup>121</sup> as a result of which the province was directed in October to ensure that the sanctioned amount of Rs. 200 million be released to the Authority within a month.<sup>122</sup> Authority officials indicate that the Authority conducts regular meetings and aims to build capacity of the children through diversion schemes and to train prison staff on child’s rights. Concrete action on these points remain to be determined.

While the Act does not detail the mandate of CPUs across the province, they are envisioned as being places that provide a range of services to children in need, including protection, psychological help, psycho-social support, and crisis referrals.<sup>123</sup> Based on recent conversations with an official of the Authority, there are currently 29 CPUs notified and somewhat functional all over Sindh, and dealing daily with children’s cases. LAS conversations with SWD officials indicate that Child Protection Officers are overworked and under-resourced, as they are essentially Social Welfare Officers who simultaneously perform the role of CPOs. Furthermore, a consistent criticism of CPUs and shelters is that they are not designed to house children long-term who are victims of abuse, neglect, or in need of protection from their families. Leaving aside this stark gap in the provincial system for child protection, a great deal more research and investigation is required to determine the true functionality of CPUs, the nature of cases referred, the capacity and staff of each CPU, the method, content, and frequency of training curricula, the quality of the assistance being provided, and finally, the extent of public awareness in the province that such centers exist and are open to assist children in need.

## 5.3. Drug Rehabilitation Initiatives

Policy reform has tended to focus on how to fix the criminal justice system and to divert children away from courts and formal processes. However, the government must also devise a methodology for supporting and rehabilitating children who have been released from incarceration. This study has revealed that a great number of children are not only arrested for drug-related offences, but that they also admit to using drugs regularly. Parents expressed frustration at being unable to wean them from this habit and recounted the ways in which their children’s lives took a turn for the worse after they were introduced to drugs. Substance abuse among vulnerable youth populations requires the state’s urgent and immediate attention.

It is necessary first to obtain baseline information on the scope of the problem and to compile a list of currently available services. The state must identify organizations that work with vulnerable youth to identify the means and methods for an evidence-based and treatment-oriented approach to tackling the problem of substance abuse. Drug rehabilitation programs and centres must be established on a national level that include culturally responsive drug and alcohol treatment, mental health treatment, drug screening, and clinical monitoring. Such programs must take into account family participation and communication, as research has shown the most successful results when families and communities are engaged.

## 5.4. Child & Youth Participatory Community-Based Prevention

In the face of chronic state failure to rectify issues of structural deprivation and lack of access, the community must take on some of the responsibilities of prevention. While the criminal justice system has a far bigger role to play after the child is arrested and then released from custody, it falls to the community once again to support

<sup>121</sup> The Express Tribune (2019)

<sup>122</sup> Tanoli (2019)

<sup>123</sup> UNICEF and Federal Ombudsman (2015, 174)

the child in his rehabilitation and prevent his relapse into criminal company and behaviour. There is, therefore, a clear need to supplement proposals for institutional reform with those for community-based initiatives.

Pakistan has a long tradition of cooperatives, social work and community development schemes. This includes some (like the Orangi Pilot Project in Karachi) that have proven to be models for imitation worldwide. As a result, not only have best practices been identified, but there is a large pool of trained community organisers within the country. While these schemes have been aimed mainly at addressing economic needs of communities, they can be adapted to include social needs as well. As a result, by relying on indigenous resources, a relatively cost-effective model of community-based intervention aimed at delinquency prevention can be designed and implemented.

Although not reported in this study, there is data on the sub-divisional level that can be relied on to focus more narrowly at the highest risk locations. Based on the study's findings it should be possible to devise a pilot programme of community development, in consultation with the main stakeholders, aimed not only at providing economic opportunities but also opportunities for civic engagement to youth in the pilot area(s). An appropriate community-based intervention to prevent delinquency should be devised and tried out in one or two pilot areas where children are at risk for coming into conflict with the law.

#### 5.5. Supporting Further Research

Rigorous data collection, statistical analysis, and empirical research on the scope of the problem of children in conflict with the law in Pakistan must be the basis for any meaningful policy recommendations. While there is a great deal of national research on the dysfunctional criminal justice system and scattered studies (conducted largely by NGOs and academics) on juvenile justice, the national scale of the problem is largely unknown. There is no centrally maintained, publicly accessible database regarding juveniles in the criminal justice system.

The government must allocate resources towards collecting and disseminating information –broken down by geographical area, gender, and age –on how many children are arrested; category of suspected offence; incarceration times; bail, conviction, and acquittal rates; and length of sentences. Research must also be undertaken to identify and assess the capacity of existing state welfare and rehabilitative mechanisms for children in conflict with the law. This is a task that can be taken up by NGOs, civil society organizations, or universities.

Juveniles present unique challenges –and possibilities for intervention –that require the sustained participation of affected children, communities, former youthful offenders, schools, and grassroots groups. However, these voices are noticeably missing from existing research on juvenile delinquency. There is an urgent need not only to map formal and informal community services and programs that target vulnerable youth, but also to bring children's voices into the conversation to better understand their context-specific challenges and needs. Parallel to this, research must be conducted on public perceptions of juvenile offenders as a means of identifying entry points at which public opinion can be influenced.

The government must also conduct regular evaluations of its practice of juvenile justice, which should lead to developments in the field of juvenile delinquency, such as successful diversion program models, newly emerging juvenile delinquency patterns, and further insights into reintegration and recidivism.

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# APPENDIXES



# APPENDIX 1

## SURVEY RESULTS

This Appendix reports on the results of the survey of the juvenile population in the Karachi YOIS and Remand Home conducted during June–July 2019. The sample consisted of all 149 male prisoners of whom only 3 had been convicted (while 146 were under trial).

### §1. Crime Patterns (Q. 1–6)

1	Facility	Total
	Remand Home and Certified School (RHCS)	40
	Youthful Offenders Industrial School (YOIS)	109
	<b>Grand Total</b>	<b>149</b>

2	Date of admission	Remand	YOIS	Total
	< 1 Month	2	35	37
	1–2 Months	10	12	22
	2–6 Months	20	38	58
	6–12 Months	7	13	20
	12–24 Months	1	9	10
	> 24 Months	0	2	2
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

3	Crime	Remand	YOIS	Total
	<b>01 Acts leading to death or intending to cause death</b>	<b>0</b>	<b>4</b>	<b>4</b>
	01 Death, 02 Person	0	2	2
	01 Death, 02 Person, 09 Security	0	1	1
	01 Death, 04 Violence	1	0	1
	01 Death, 04 Violence, 08 Order, 09 Security	0	1	1
	01 Death, 07 Fraud	1	0	1
	01 Death, 08 Order, 09 Security	1	0	1
	01 Death, 09 Security	0	2	2
	<b>02 Acts causing harm or intending to cause harm to the person</b>	<b>3</b>	<b>1</b>	<b>4</b>
	02 Person, 03 Sexual	0	1	1
	02 Person, 04 Violence	1	1	2
	02 Person, 05 Property	1	0	1
	<b>03 Injurious acts of a sexual nature</b>	<b>1</b>	<b>5</b>	<b>6</b>

	03 Sexual, 04 Violence	0	1	1
	<b>04 Acts against property involving violence or threat against a person</b>	<b>5</b>	<b>10</b>	<b>15</b>
	04 Violence, 09 Security	0	10	10
	<b>05 Acts against property only</b>	<b>11</b>	<b>12</b>	<b>23</b>
	05 Property, 04 Violence	1	2	3
	05 Property, 04 Violence, 09 Security	0	1	1
	05 Property, 09 Security	0	9	9
	<b>06 Acts involving controlled drugs or other psychoactive substances</b>	<b>5</b>	<b>14</b>	<b>19</b>
	06 Drugs, 01 Death, 02 Person, 09 Security	0	1	1
	06 Drugs, 01 Death, 04 Violence	0	1	1
	06 Drugs, 01 Death, 08 Order, 09 Security	0	1	1
	06 Drugs, 04 Violence	0	1	1
	06 Drugs, 09 Security	0	2	2
	<b>07 Acts involving fraud, deception or corruption (excluding immigration fraud: 08)</b>	<b>1</b>	<b>0</b>	<b>1</b>
	<b>08 Acts against public order, authority and provisions of the State (including S.0805 Acts related to migration)</b>	<b>3</b>	<b>4</b>	<b>7</b>
	<b>09 Acts against public safety and state security (including S.090111: unlawful possession or use of firearms)</b>	<b>6</b>	<b>21</b>	<b>27</b>
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

<b>4</b>	<b>Under Trial Prisoner (UTP) or Convict?</b>	<b>Remand</b>	<b>YOIS</b>	<b>Total</b>
	Under Trial Prisoner (UTP)	40	107	147
	Convict	0	2	2
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

<b>5</b>	<b>Sentence, If Convict</b>	<b>Remand</b>	<b>YOIS</b>	<b>Total</b>
	3 Years (Both Convicts)			

<b>6</b>	<b>Have you ever been arrested before?</b>	<b>Remand</b>	<b>YOIS</b>	<b>Total</b>
	No response	1	0	1
	No (Never Arrested)	32	81	113
	Yes	5	26	31
	Yes (2 times)	2	1	3
	Yes (5 times)	0	1	1
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

a	If Yes, For what crimes and under what section of law?	Remand	YOIS	Total
	<b>Yes</b>	<b>5</b>	<b>26</b>	<b>31</b>
	01 Acts leading to death or intending to cause death	0	2	2
	02 Acts causing harm or intending to cause harm to the person	0	1	1
	04 Acts against property involving violence or threat against a person	0	4	4
	04 Violence, 09 Security	0	1	1
	05 Acts against property only	1	3	4
	06 Acts involving controlled drugs or other psychoactive substances	3	6	9
	06 Drugs, 09 Security	0	1	1
	06 Drugs, 05 Property, 09 Security	0	1	1
	09 Acts against public safety and state security (including S.090111: unlawful possession or use of firearms)	1	6	7
	No Response	0	1	1
	<b>Yes (2 times)</b>	<b>2</b>	<b>1</b>	<b>3</b>
	04 Violence, 09 Security	1	0	1
	05 Property, 09 Security	1	0	1
	06 Drugs, 04 Violence	0	1	1
	<b>Yes (5 times)</b>	<b>0</b>	<b>1</b>	<b>1</b>
	05 Property, 04 Violence	0	1	1
	<b>Grand Total</b>	<b>7</b>	<b>28</b>	<b>35</b>

## S2. Socio-Economic Characteristics (Q. 1-30)

1	Sex	Remand	YOIS	Total
	All Male	40	109	149
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

2	Age	Remand	YOIS	Total
	10-13	3	0	3
	13-15	28	19	47
	15-18	9	90	99
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

3	Are you married?	Remand	YOIS	Total
4	If Yes, At what age?			
	No	40	108	48
	Yes (At age 13)	0	1	1
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

5	What is your religion?	Remand	YOIS	Total
6	What is your ethnicity?			
	Christian	0	2	2
	Punjabi	0	2	2
	Muslim	40	107	147
	Baloch	0	7	7
	Bengali	6	5	11
	Muhajir	3	20	23
	Pathan	18	41	59
	Punjabi	2	9	11
	Saraiki	3	5	8
	Sindhi	5	9	14
	Other	1	4	5
	Foreign	2	7	9
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

7	Have you gone to a school or madrasa?	Remand	YOIS	Total
	No	7	29	36
	Yes	33	80	113
	College	1	0	1
	School and Madrassah	7	21	28
	Madrassah	15	26	41
	School	10	33	43
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

8	If Yes, What was the highest class you attended or how many years were you in madrasa?	Remand	YOIS	Total
	College Level	0	3	3
	Intermediate (11-12Y)	2	4	6
	High (9-10Y)	4	8	12
	Middle (6-8Y)	5	12	17
	Primary (<5Y)	22	53	75
	No School or Madrasa	7	29	36
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

9	Why did you stop going?	Remand	YOIS	Total
	Abused/Beaten/Bullied	3	1	4
	Got Arrested	7	11	18
	Had to Get a Job	15	35	50
	Wasn't Interested	6	27	33
	Other Reasons	2	6	8
	Never Went	7	29	36
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

10	In which neighbourhood do you live? (Districts assigned)	Remand	YOIS	Total
	Karachi Central	3	24	27
	Karachi East	10	11	21
	Karachi South	11	15	26
	Karachi West	10	22	32
	Karachi Korangi	1	8	9

	Karachi Malir	2	24	26
	Sindh (Interior)	0	2	2
	Balochistan (Quetta)	3	1	4
	Punjab	0	2	2
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

11	Has your family always lived in Karachi, or did you migrate?	Remand	YOIS	Total
	Always lived here	20	77	97
	Temporarily in Karachi	1	3	4
	Migrated from Balochistan (Quetta)	4	6	10
	Migrated from Khyber-Pakhtunkhwa	2	6	8
	Migrated from Punjab	2	9	11
	Migrated from Sindh (Interior)	6	4	10
	Overseas Migrated from Afghanistan	3	2	5
	Overseas Migrated from Bengal	1	1	2
	Overseas Migrated from Burma	0	1	1
	Overseas Migrated from Saudi Arabia	1	0	1
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

12	Are both your parents alive?	Remand	YOIS	Total
	No	15	28	43
	Yes	25	81	106
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

13	Is your family home	Remand	YOIS	Total
	Owned	21	57	78
	Rented	18	50	68
	Other	1	2	3
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

14	How many people, in total, live in your home?	Remand	YOIS	Total
	Over 10	8	34	42
	Between 5-10	26	61	87
	5 or less	6	12	18

	None	0	1	1
	Don't know	0	1	1
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

15	Do you live in	Remand	YOIS	Total
	A Joint Family	6	17	23
	A Nuclear Family	34	90	124
	No Family	0	1	1
	Don't Know	0	1	1
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

16	How many siblings do you have?	Remand	YOIS	Total
	None	0	1	1
	1-2	1	6	7
	3-4	17	31	48
	5+	22	70	92
	Don't Know	0	1	1
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

17	Are you	Remand	YOIS	Total
	The Oldest	12	26	38
	In the Middle	22	65	87
	The Youngest	6	16	22
	Only Child or Don't Know	0	2	2
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

18	How many of your siblings go to school or madrasa?	Remand	YOIS	Total
	None	5	19	24
	1	9	20	29
	2	6	26	32
	3	12	13	25
	4	4	10	14
	5	2	10	12
	6	0	6	6

	7	0	3	3
	8	1	0	1
	9	1	0	1
	Only Child or Don't know	0	2	2
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

19	How many of your siblings, work?	Remand	YOIS	Total
	None	5	19	24
	1	9	20	29
	2	6	26	32
	3	12	13	25
	4	4	10	14
	5	2	10	12
	6	0	6	6
	7	0	3	3
	Only Child	0	2	2
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

20	What do they do?	Remand	YOIS	Total
	Agricultural Work	0	2	2
	Driver/Transport Work	4	4	8
	Fisheries	0	1	1
	Food Seller/Vendor/Shopkeeper	1	4	5
	Garment/Shoe-Making/Related Trade Work	1	14	15
	Government Job	1	0	1
	Labourer/Mechanic/Factory Work	11	21	32
	Security Services	0	1	1
	Service Work/Helper/Cleaner/Deliverer	3	17	20
	Teachers	1	1	2
	Miscellaneous	0	3	3
	No Response	18	41	59
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

21	Have any of your siblings passed away?	Remand	YOIS	Total
	No	28	82	99
	Yes	12	38	50
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

22	If Yes, At what age?	Remand	YOIS	Total
23	Why?			
	<b>At Birth</b>	<b>4</b>	<b>15</b>	<b>19</b>
	Childbirth	3	15	18
	Accident	1	0	1
	<b>0-1</b>	<b>1</b>	<b>3</b>	<b>4</b>
	Illness	1	3	4
	<b>1-10</b>	<b>2</b>	<b>11</b>	<b>13</b>
	Illness	1	10	11
	Accident	1	0	1
	Other	0	1	1
	<b>Over 10</b>	<b>2</b>	<b>6</b>	<b>8</b>
	Illness	0	1	1
	Accident	0	4	4
	Other	1	1	2
	Don't Know Why	1	0	1
	Don't Know Age	3	3	6
	Illness	1	2	3
	Other	0	1	1
	Don't Know Why	1	0	1
	No Response (to Why?)	1	0	1
	<b>Grand Total</b>	<b>12</b>	<b>38</b>	<b>50</b>

24	Where you employed, before you came to the jail?	Remand	YOIS	Total
	No	10	11	21
	Yes	30	97	127
	No Response	0	1	1
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

25	If Yes, Doing what?	Remand	YOIS	Total
	Driver/Transport Work	3	5	8
	Fisheries	3	1	4
	Food Seller/Vendor/Shopkeeper	2	11	13
	Garment/Shoe-Making/Related Trade Work	4	15	19
	Labourer/Mechanic/Factory Work	9	41	50
	Service Work/Helper/Cleaner/Deliverer	9	23	32
	Two Jobs	0	1	1
	<b>Grand Total</b>	<b>30</b>	<b>97</b>	<b>127</b>

26	If Yes (to Q. 24), What were your monthly earnings?	Remand	YOIS	Total
	Rs. 2,500 – 5,000	3	16	19
	Rs. 5,000 – 10,000	15	11	26
	Rs. 10,000 – 15,000	10	44	54
	Rs. 15,000 – 20,000	0	17	17
	Over Rs. 20,000	2	9	11
	<b>Grand Total</b>	<b>30</b>	<b>97</b>	<b>127</b>

27	Who is the highest earner in your household?	Remand	YOIS	Total
	Brother	14	31	45
	Father	12	56	68
	Mother	0	3	3
	Myself	12	16	28
	Uncle (Maternal)	0	1	1
	None	2	2	4
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

28	What does the highest earner in your household do?	Remand	YOIS	Total
	Agricultural Work	1	1	2
	Business/Shop owners	1	4	5
	Driver/Transport Work	6	16	22
	Fisheries	3	0	3
	Food Seller/Vendor/Shopkeeper	3	13	16
	Garment/Shoe-Making/Related Trade Work	3	14	17

	Government Job	0	4	4
	Labourer/Mechanic/Factory Work	13	31	44
	Security Services	0	2	2
	Service Work/Helper/Cleaner/Deliverer	5	17	22
	Teachers	0	1	1
	Miscellaneous	1	4	5
	No Response	4	2	6
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

29	How much does the highest earner in your family earn?	Remand	YOIS	Total
	Rs. 2,500 – 5,000	1	2	3
	Rs. 5,000 – 10,000	4	6	10
	Rs. 10,000 – 15,000	11	19	30
	Rs. 15,000 – 20,000	5	28	33
	Over Rs. 20,000	14	52	66
	Don't Know	1	0	1
	No response	4	2	6
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

30	Every month, does your household struggle to afford any of the following	Remand	YOIS	Total
	No	0	2	2
	Electricity	6	9	15
	Food & Clothing	14	4	18
	Gas	0	1	1
	Health Expenses	2	16	18
	Water	1	1	2
	Electricity, Gas	2	5	7
	Electricity, Health	3	11	14
	Electricity, Rent	2	1	3
	Electricity, Water	0	4	4
	Food, Clothing, Electricity	1	4	5
	Food, Clothing, Gas	0	1	1
	Food, Clothing, Health	4	3	7

	Food, Clothing, Health, Electricity	0	1	1
	Food, Rent	0	2	2
	Health, Rent	0	3	3
	Health, School Fees	0	2	2
	Health, Water	0	1	1
	Rent	0	12	12
	Rent, Water	0	2	2
	Other	0	1	1
	Don't Know or No Response	5	23	28
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

### §3. Political Participation, Gangs, Drug Use (Q. 31-44)

31	Did your family vote in the last elections? If Yes, For which Political Party?	Remand	YOIS	Total
	No	21	34	55
	Yes	18	65	83
	Awami National Party (ANP)	3	2	5
	Muttahida Qaumi Mahaz (MQM)	0	7	7
	Pakistan Muslim League – Nawaz (PMLN)	3	9	12
	Pakistan people's Party (PPP)	3	24	27
	Pakistan Tehreek-e Insaf (PTI)	6	17	23
	Other (Party)	1	5	6
	Don't Know (which Party)	2	1	3
	Don't Know (if they voted)	1	9	10
	No response	0	1	1
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

32	Do YOU support any political party? If Yes, Which Political Party?	Remand	YOIS	Total
	No	22	66	88
	Yes	17	42	59
	Awami National Party (ANP)	2	0	2
	Jama'at-e Islami (JI)	0	1	1
	Muttahida Majlis-e Amal (MMA)	0	1	1
	Muttahida Qaumi Mahaz (MQM)	0	3	3
	Pakistan Muslim League – Nawaz (PMLN)	1	4	5
	Pakistan people's Party (PPP)	5	20	25
	Pakistan Tehreek-e Insaf (PTI)	9	13	22
	Don't Know (if I support any party)	1	0	1
	No response	0	1	1
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

33	Why do you support this Party?	Remand	YOIS	Total
	<b>PPP</b>	5	20	25
	Benazir Income Support Programme (BISP) helps us	0	4	4
	Family supports this party	2	9	11
	I like Benazir Bhutto	2	0	2
	Party does good work in our area	1	4	5
	No reason given	0	3	3
	<b>PTI</b>	9	13	22
	Family supports this party	0	3	3
	I don't have any reason	1	0	1
	Imran Khan is Pathan	1	0	1
	Party does good work in our area	7	8	15
	<b>PMLN</b>	1	4	5
	Family supports this party	0	3	3
	Party does good work in our area	0	1	1
	<b>MQM</b>	0	3	3
	Family supports this party	0	2	2
	Party does good work in our area	0	1	1
	<b>Other parties</b>	2	2	4
	Family supports this party	2	0	2
	Party does good work in our area	0	2	2
	<b>Grand Total</b>	<b>17</b>	<b>42</b>	<b>59</b>

33	Are there gangs operating in your neighbourhood?	Remand	YOIS	Total
	No	25	59	84
	Yes	15	49	64
	No response	0	1	1
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

34	If Yes, Is the gang associated with any political party?	Remand	YOIS	Total
	ANP	2	2	4
	MQM	0	5	5
	PPP	2	13	15
	PTI	1	0	1
	Other Parties	2	8	10
	Not Politically Affiliated	3	8	11
	Don't Know	5	12	17
	No Response	0	1	1
	<b>Grand Total</b>	<b>15</b>	<b>49</b>	<b>64</b>

35	If Yes, What does the gang (or gangs) do in your neighbourhood?	Remand	YOIS	Total
	Dacoity, Drugs, Harassment, Murder	0	2	2
	Drugs	2	13	15
	Drugs, Extortion	4	7	11
	Drugs, Extortion, Harassment	1	1	2
	Drugs, Extortion, Protect the Neighbourhood	0	2	2
	Drugs, Harassment	0	3	3
	Extortion	2	10	12
	Extortion, Harassment	2	1	3
	Harassment	4	4	8
	Protect the Neighbourhood	0	2	2
	Other	0	1	1
	I Don't Know	0	3	3
	<b>Grand Total</b>	<b>15</b>	<b>49</b>	<b>64</b>

36	Is any member of your family in a gang?	Remand	YOIS	Total
	No	40	104	144
	Yes	0	3	3
	Don't Know	0	2	2
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

37	Does any member in your family use drugs or alcohol?	Remand	YOIS	Total
	No	32	94	126
	Yes	8	13	21
	Don't Know	0	2	2
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

38	If Yes, Do you know which drug (or alcohol)?	Remand	YOIS	Total
	Alcohol	0	1	1
	Alcohol, Charas	1	0	1
	Alcohol, Heroin	0	1	1
	Charas	4	7	11
	Heroin	1	2	3
	Mawa (Chewing Tobacco)	2	2	4
	<b>Grand Total</b>	<b>8</b>	<b>13</b>	<b>21</b>

39	Have YOU ever been a member of a gang?	Remand	YOIS	Total
40	If Yes, Why did you join (Open-ended question)?			
	No	33	89	122
	Yes	4	20	24
	Peer Pressure	2	5	7
	Peer Pressure, Earn Money	1	9	10
	We have our own gang of friends	0	4	4
	Other	1	1	2
	No Response (to: Why did you join?)	0	1	1
	No response (to: Have you ever been a member?)	3	0	3
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

41	Did you ever use drugs before coming to prison?	Remand	YOIS	Total
42	If Yes, Which Drug?			
43	If Yes, How did you use them?			
	No	28	66	94
	Yes	11	42	53
	Alcohol, Heroin	0	1	1
	<i>Drink, Inject, Smoke</i>	(0)	(1)	(1)

	Charas	8	23	31
	<i>Smoked</i>	(8)	(23)	(31)
	Charas, Heroin	0	1	1
	<i>Smoked, Injected</i>	(0)	(1)	(1)
	Ghutka	0	4	4
	<i>Chewing</i>	(0)	(4)	(4)
	Heroin	0	3	3
	<i>Snorting</i>	(0)	(3)	(3)
	Mawa (Chewing Tobacco)	2	8	10
	<i>Chewing</i>	(2)	(8)	(10)
	Other	1	2	3
	<i>Drinking</i>	(0)	(1)	(1)
	Other	(1)	(1)	(2)
	No Response	1	1	2
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

44	If Yes (to Q. 41), Where did you get them?	Remand	YOIS	Total
	Dealer	9	34	43
	Dealer, Friends	0	5	5
	Friends	1	3	4
	No Response	1	0	1
	<b>Grand Total</b>	<b>11</b>	<b>42</b>	<b>53</b>

#### §4. Experience of Crime & Violence (Q. 45-60)

45	Is your neighbourhood, generally, safe or unsafe?	Remand	YOIS	Total
	Very Safe	23	39	62
	Somewhat Safe	13	40	53
	Somewhat Unsafe	1	7	8
	Very Unsafe	3	20	23
	I don't know	0	1	1
	No Response	0	2	2
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

46	What types of crimes do you think are most common in your neighbourhood?	Remand	YOIS	Total
	None	8	3	11
	Assault/Beating/Hitting	1	1	2
	Assault/Beating/Hitting, Drug Dealing	0	2	2
	Assault/Beating/Hitting, Drug Dealing, Robbery/Dacoity	0	1	1
	Assault/Beating/Hitting, Robbery/Dacoity	0	2	2
	Begging Gangs, Drug Dealing, Robbery/Dacoity, Theft	0	1	1
	Bhatta	0	1	1
	Bhatta, Drug Dealing	0	1	1
	Drug Dealing	4	10	14
	Drug Dealing, Kidnapping, Robbery/Dacoity	1	2	3
	Drug Dealing, Robbery/Dacoity	5	7	12
	Drug Dealing, Robbery/Dacoity, Theft	0	4	4
	Drug Dealing, Theft	1	2	3
	Extortion	0	1	1
	Kidnapping, Murder, Robber/Dacoity	0	1	1
	Murder, Robbery/Dacoity	0	1	1
	Murder, Robbery/Dacoity, Theft	0	1	1
	Police Violence	0	2	2
	Police Violence, Robbery/Dacoity	0	1	1
	Robbery/Dacoity	3	10	13
	Robbery/Dacoity, Drug Dealing	0	1	1
	Robbery/Dacoity, Kidnapping	0	1	1
	Robbery/Dacoity, Theft	1	4	5
	Theft	4	3	7
	Other	0	3	3
	Don't Know	12	42	54
	No Response	0	1	1
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

47	Who in your neighbourhood is most likely to commit crimes	Remand	YOIS	Total
	Adults	13	21	34
	Adults, Police	2	0	2
	Adults, Police, Political Party, Young People	0	1	1
	Adults, Political Party	1	1	2
	Adults, Young People	0	8	8
	Drug Addicts, Young People	0	1	1
	Police, Young People	1	2	3
	Political Party, Young People	0	7	7
	Young People	6	33	39
	Don't know	11	31	42
	No Response	6	4	10
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

48	Have you ever seen crimes being committed in your neighbourhood?	Remand	YOIS	Total
49	If Yes, What kind?			
	No	21	63	84
	Yes	19	46	65
	Assault/Beating/Hitting	2	4	6
	Assault/Beating/Hitting, Drug Dealing	0	3	3
	Assault/Beating/Hitting, Drug Dealing, Theft	0	1	1
	Assault/Beating/Hitting, Gun Violence, Drug Dealing	0	1	1
	Assault/Beating/Hitting, Robbery/Dacoity	1	0	1
	Assault/Beating/Hitting, Theft	0	1	1
	Bhatta	2	1	3
	Drug Dealing	6	5	11
	Drug Dealing, Kidnapping, Robbery/Dacoity, Theft	0	1	1
	Drug Dealing, Murder, Theft	0	2	2
	Drug Dealing, Robbery/Dacoity, Theft	0	1	1
	Drug Dealing, Weapons	0	1	1
	Kidnapping, Theft	2	0	2
	Murder	1	3	4
	Murder, Robbery/Dacoity	0	2	2

	Murder, Robbery/Dacoity, Theft	0	3	3
	Robbery/Dacoity	2	11	13
	Robbery/Dacoity, Theft	0	3	3
	Theft	3	3	6
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

50	During your life, have you ever been the victim of any of the following?	Remand	YOIS	Total
	No	31	86	117
	Yes	9	23	32
	Assault/Beating/Hitting	0	3	3
	Kidnapping	0	1	1
	Police Violence	1	1	2
	Robbery/Dacoity	1	13	14
	Robbery/Dacoity, Theft	0	1	1
	Theft	5	4	9
	Crime Not Specified	2	0	2
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

51	If a victim, Did you report it to the police? If Not, Why not? If Yes, What happened?	Remand	YOIS	Total
	<b>No (Did not report it to police); because:</b>	<b>7</b>	<b>13</b>	<b>20</b>
	I am involved in criminal activities myself	0	1	1
	I was scared of the criminals	0	1	1
	Insufficient basis to file a report	0	1	1
	Police Mistrust	7	7	14
	Too small to report	0	1	1
	No Reason Given	0	2	2
	<b>Yes (Reported it to the police); what happened:</b>	<b>2</b>	<b>9</b>	<b>11</b>
	Nothing happened	2	2	4
	Police arrested me	0	3	3
	Police did not cooperate, or asked for money to file report	0	2	2
	Police was involved with the accused	0	1	1
	The accused was arrested	0	1	1
	<b>No Response</b>	<b>0</b>	<b>1</b>	<b>1</b>
	<b>Grand Total</b>	<b>9</b>	<b>23</b>	<b>32</b>

52	Do you trust the police?	Remand	YOIS	Total
	No	34	96	130
	Yes	6	12	18
	Don't Know	0	1	1
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

53	Have any of the following things happened to your family members?	Remand	YOIS	Total
	No	28	89	117
	Yes	11	18	29
	Assault/Beating/Hitting	1	0	1
	Extortion (Blackmail)	0	1	1
	Harassment	0	1	1
	Police Violence	1	1	2
	Robbery/Dacoity	5	11	16
	Robbery/Dacoity, Theft	0	1	1
	Theft	4	2	6
	Crime Not Specified	0	1	1
	Don't know	0	1	1
	No Response	1	1	2
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

54	If Yes (to Q. 53), Did your family member report it to the police? If Not, Why not? If Yes, What happened?	Remand	YOIS	Total
	<b>No (Did not report it to police); because:</b>	<b>8</b>	<b>6</b>	<b>14</b>
	I don't know	1	0	1
	Insufficient Basis	1	1	2
	Police Mistrust	4	5	9
	The perpetrator was someone we liked	2	0	2
	<b>Yes (Reported it to the police); what happened:</b>	<b>3</b>	<b>12</b>	<b>15</b>
	Nothing happened	1	11	12
	Police arrested me and my family	1	0	1
	The criminals got arrested	0	1	1
	He was arrested	1	0	1
	<b>Grand Total</b>	<b>29</b>	<b>18</b>	<b>29</b>

55	Do you know how to use a gun or pistol?	Remand	YOIS	Total
	No	33	89	122
	Yes	6	18	24
	No response	1	2	3
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

56	Have you ever used a gun or pistol on anyone?	Remand	YOIS	Total
57	If Yes, Why?			
	No	35	98	133
	Yes	4	10	14
	For committing crime	3	5	8
	For fun (firing in air)	1	1	2
	To harass people	0	1	1
	Under peer pressure	0	1	1
	No Response (to: Why did you use)	0	2	2
	No Response (to: Have you ever used)	1	1	2
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

58	Do you, or have you ever, carried a weapon or a knife?	Remand	YOIS	Total
	No (Never Carried)	37	102	139
	Yes	2	7	9
	No Response	1	0	1
	<b>Grand Total</b>	<b>40</b>	<b>109</b>	<b>149</b>

59	Have you ever used a weapon or knife on anyone?	Remand	YOIS	Total
60	If Yes, Why?			
	No	0	1	1
	Yes	2	6	8
	For committing crimes	0	3	3
	For fighting	1	0	1
	To harass people	0	2	2
	No response	1	1	2
	<b>Grand Total</b>	<b>2</b>	<b>7</b>	<b>9</b>

## APPENDIX 2

### SEMI-STRUCTURED INTERVIEWS OF JUVENILES, AND THEIR PARENTS

Interview Questions for Juveniles	Interview Questions for their Parents
<p><b>Perceptions of Crime</b></p> <ol style="list-style-type: none"> <li>1. Why do you think young people commit crimes?</li> <li>2. What kinds of people do you think commit crimes?</li> <li>3. Do you think it's possible to reduce crime in Karachi? (If yes, how. If no, why.)</li> </ol> <p><b>Safety &amp; Violence in the Neighbourhood and Home</b></p> <ol style="list-style-type: none"> <li>1. While growing up, did you feel safe roaming around your neighbourhood?</li> <li>2. While growing up, did you feel safe in your home with your family?</li> <li>3. Who took care of you and spent time with you while you were growing up?</li> <li>4. Have you ever run away from home? Why?</li> <li>5. Did your parents ever hit you as a child? (Why &amp; how severely)</li> <li>6. Did your siblings hit each other? (Why &amp; how severely)</li> <li>7. What about your father, does he hit your mother? (Why &amp; how severely)</li> </ol> <p><b>Justifications for Violence &amp; Crime</b></p> <ol style="list-style-type: none"> <li>1. Have you ever hit anyone? (Why &amp; how severely)</li> <li>2. Do you think it's ever ok to hit someone? (If someone disrespects you or your family, steals from you, in self-defense etc)</li> <li>3. Do you think it's ever ok to steal or lie?</li> </ol>	<p><b>Perceptions of Crime</b></p> <ol style="list-style-type: none"> <li>1. Why do you think young people commit crimes?</li> <li>2. What kinds of people do you think commit crimes?</li> <li>3. Do you think it's possible to reduce youth crime in Karachi? (If yes, how. If no, why.)</li> </ol> <p><b>Parental Monitoring &amp; Relationship with Child</b></p> <ol style="list-style-type: none"> <li>1. Do you know what your son is doing from day-to-day? If he comes home late, do you know where he was? Do you know who his friends are?</li> <li>2. Does your son ever make you angry or irritated? Why? What do you do about it?</li> <li>3. Do you ever feel like giving up on your son?</li> </ol> <p><b>Parent's Perception of the Child's Environment &amp; Exposure to Violence</b></p> <ol style="list-style-type: none"> <li>1. Is the neighbourhood you live in safe? Do you feel afraid when your son is out?</li> <li>2. If the home environment in which your son grew up safe? Does he have anyone to fear at home etc.</li> <li>3. When your son was small, did you spend time with him or were you at work?</li> <li>4. Has your son ever run away from home? Why do you think he did so?</li> <li>5. Do you hit your son? Why?</li> <li>6. Do your children hit each other? Why?</li> <li>7. Does your son do drugs?</li> </ol>

## APPENDIX 3

### SECTIONS OF LAW UNDER WHICH JUVENILES WERE CHARGED

#### CNS CONTROL OF NARCOTIC SUBSTANCES ACT, 1997

##### CHAPTER II PROHIBITION AND PUNISHMENT

- 6 Prohibition of possession of narcotic drugs etc.— No one shall produce, manufacture, extract, prepare, possess, offer of sale, sell, purchase, distribute, deliver on any terms whatsoever, except for medical, scientific or industrial purposes in the manner and subject to such conditions as may be specified by or under this Act or any other law for the time being in force.
- 9-B 9. Punishment for contravention of sections 6, 7 and 8.— Whoever contravenes the provisions of Section 6, 7 or 8 shall be punishable with: - ...
- (b) imprisonment which may extend to seven years and shall also be liable to fine, if the quantity of the narcotic drug, psychotropic substance or controlled substance exceeds one hundred grams but does not exceed one kilogram;
- 9-C (c) death or imprisonment for life or imprisonment for a term which may extend to fourteen years and shall also be liable to fine which may be up to one million rupees, if the quantity of narcotic drug, psychotropic substance or controlled substance exceeds the limits specified in clause (b):
- Provided that if the quantity exceeds ten kilograms the punishment shall not be less than imprisonment for life.

#### EO EMIGRATION ORDINANCE, 1979

##### CHAPTER VII OFFENCES, PENALTIES AND PROCEDURE

- 17 Unlawful emigration, etc. (1) Whoever, except in conformity with the provisions of this Ordinance and the rules, emigrates or departs or attempts to emigrate or depart shall be punishable with imprisonment for a term which may be extended to five years, or with fine, or with both.
- (2) Whoever, except in conformity with the provisions of this ordinance or of the rules,
- (a) makes, or attempts to make any agreement with any person purporting to bind that person, or any other person, to emigrate or depart; or
- (b) causes or assist or attempts to cause or assist, any person to emigrate or depart or to attempt to emigrate or depart or to leave any place for the purpose of emigrating or departing; or
- (c) causes any person engaged, assisted or recruited by him, after grant of the license referred to in section 12, to depart without appearing before the Protector of Emigrants as required by section 15 shall be punishable;
- (i) for a first offence, with imprisonment for a term which may extend to five years, or with fine, or with both; and
- (ii) for a second or subsequent offence, with imprisonment for a term which may extend to seven years, or with fine, or with both.
- (3) When, in the course of any proceeding in connection with emigration in which an Overseas Employment Promoter is concerned, a breach of the provisions of this Ordinance or of the rules is committed, such person shall be liable to the punishment provided by subsection (2) unless he proved that he was not responsible for and could not have prevented the commission of the breach.

(4) Whoever, in contravention of the provisions of section 9, recruits a citizen of Pakistan or holds an interview or examination or issues an advertisement for such recruitment, and the editor, printer and publisher of a newspaper in which such advertisement is published, shall be liable to punishment provided by subsection (2).

- 18 **Fraudulently Inducing to Emigrate:** (a) Forges any document required for, or relating to, the emigration of any person, or has in his possession or under his control any instrument or article which may be used for the purpose of such forgery, or (b) By means of cause or induces, any person to emigrate, or enters into any agreement to emigrate or leaves any place with a view to emigrating, shall be punishable with imprisonment for a term which may extend to fourteen years, or with fine, or with both.

**PEHO THE PROHIBITION (ENFORCEMENT OF HADD [MANDATORY PUNISHMENT]) ORDER, 1979 (AS AMENDED)**

**CHAPTER II PROHIBITION AND PENALTIES**

- 3 **Prohibition of manufacture, etc, of intoxicants.**  
 1 (1) Subject to the provisions of clause (2) [Definitions] whoever  
 (a) import, exports, transports, manufactures or processes any intoxicant; or  
 (b) bottles any intoxicant; or  
 (c) sells or serves any intoxicant; or  
 (d) allows any of the acts aforesaid upon premises owned by him or in his immediate possession;  
 shall be punishable with imprisonment of either description for a term, which may extend to five years and with whipping not exceeding thirty stripes, and shall also be to fine.
- 2 (2) Whoever -  
 (i) imports, exports, transports, manufactures, or traffics in, opium or coca leaf or opium or coca derivatives; or  
 (ii) finances the import, export, transport, manufacture, or trafficking of, opium or coca leaf or opium or coca derivatives;  
 shall be punishable with imprisonment for life or with imprisonment, which is not less than two years and with whipping not exceeding thirty stripes, and shall also be liable to fine.
- 4 **Owning or possessing intoxicant.**  
 Whoever owns, possesses or keeps in his custody any intoxicant shall be punished with imprisonment of either description for a term, which may extend to two years, or with whipping not exceeding thirty stripes, and shall also be liable to fine:  
 Provided that nothing contained in this Article shall apply to a non-Muslim foreigner or to a non-Muslim citizen of Pakistan who keeps in his custody at or about the time of a ceremony prescribed by his religion a reasonable quantity of intoxicating liquor for the purpose of using it as a part of such ceremony:  
 Provided further that if the intoxicant in respect of which the offence is committed is heroin, cocaine, opium or coca leaf, and the quantity exceeds ten grams in the case of heroin or cocaine or one kilogram in the case of opium or coca leaf, the offender shall be punishable with imprisonment for life or with imprisonment which is not less than two years and with whipping not exceeding thirty stripes, and shall also be liable to fine.

**FA PAKISTAN FOREIGNERS ACT, 1946**

- 14 **Penalties.**—If any person contravenes the provisions of this Act or of any order made there under, or any direction given in pursuance of this Act or such order, he shall be punished with imprisonment for a term which may extend to five years and shall also be liable to fine, and if such person has entered into a bond in pursuance of clause (f) of sub-section (2) of section 3, his bond shall be forfeited, and any person bound thereby shall pay the penalty thereof or, show cause to the satisfaction of the convicting court why such penalty should not be paid.

**PPC PAKISTAN PENAL CODE, 1860**

**CHAPTER II GENERAL EXPLANATIONS**

- 34 **Acts done by several persons in furtherance of common intention.** When a criminal act is done by several persons, in furtherance of the common intention of all, each of such person is liable for that act in the same manner as if it were done by him alone.

**CHAPTER X OF CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS**

- 186 **Obstructing public servant in discharge of public functions:** Whoever voluntarily obstructs any public servant in the discharge of his public functions, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to one thousand five hundred rupees, or with both.

**CHAPTER XII OF OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS**

- 237 **Import or export of counterfeit coin.** Whoever imports into Pakistan, or exports therefrom, any counterfeit coin, knowingly or having reason to believe that the same is counterfeit, shall be punished with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.

**CHAPTER XIV OF OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS**

- 269 **Negligent act likely to spread infection of disease dangerous to life:** Whoever unlawfully or negligently does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.
- 270 **Malignant act likely to spread infection of disease dangerous to life:** Whoever maliciously does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

**CHAPTER XVI OF OFFENCES AFFECTING THE HUMAN BODY**

*Of Offences Affecting Life*

- 302 **Punishment of qatl-i-amd [wilful murder]:** Whoever commits *qatl-e-amd* shall, subject to the provisions of this Chapter be: (a) punished with death as *qisas* [retribution for personal injury];

(b) punished with death or imprisonment for life as *ta'zir* [discretionary chastisement] having regard to the facts and circumstances of the case, if the proof in either of the forms specified in Section 304 is not available; or (c) punished with imprisonment of either description for a term which may extend to twenty-five years, where according to the Injunctions of Islam the punishment of *qisas* is not applicable.

316 **Punishment for Qatl shibh-i-amd:** Whoever commits *qatl shibh-i-amd* shall be liable to *diyat* and may also be punished with imprisonment of either description for a term which may extend to twenty-five years as *ta'ir*.

320 **Punishment for qatl-i-khata by rash or negligent driving:** Whoever commits *qatl-i-khata* by rash or negligent driving shall, having regard to the facts and circumstances the case, in addition to *diyat*, be punished with imprisonment of either description for a term which may extend to ten years.

324 **Attempt to commit qatl-i-amd [wilful murder]:** Whoever does any act with such intention or knowledge, and under such circumstances, that, if he by that act caused *qatl*, he would be guilty of *qatl-i-amd*, shall be punished with imprisonment for either description for a term which may extend to ten years, and shall also be liable to fine, and, if hurt is caused to any person by such act, the offender shall, in addition to the imprisonment and fine as aforesaid, be liable to the punishment provided for the hurt caused: Provided that where the punishment for the hurt is *qisas* which is not executable, the offender shall be liable to *arsh* and may also be punished with imprisonment of either description for a term which may extend to seven years.

334 **Punishment for Itlaf-udw:** Whoever by doing any act with the intention of thereby causing hurt to any person, or with the knowledge that he is likely thereby to cause hurt to any person causes *Itlaf-i-udw* of any person, shall, in consultation with the authorised medical officer, be punished with *qisas*, and if the *qisas* is not executable keeping in view the principles of equality in accordance with the Injunctions of Islam, the offender shall be liable to *arsh* and may also be punished with imprisonment of either description for a term which may extend to ten years as *ta'zir*.

337 **Shajjah** [Head or facial wound, or injury—f which, six kinds are distinguished by §337]:  
 (1) Whoever causes, on the head or face of any person, any hurt which does not amount to *itlaf-i-udw* [loss of bodily member, limb or organ] or *itlaf-i-salahiyyat-i-udw* [loss of function of organ], is said to cause shajjah. (2) The following are the kinds of shajjah namely:- (a) *Shajjah-i-Khafifah* (b) *Shajjah'i-mudihah* (c) *Shajjah-i-hashimah* (d) *Shajjah-i-munaqqilah* (e) *Shajjah-i-ammah* and (f) *Shajjah-i-damighah* (3) Whoever causes *shajjah* (i) without exposing bone of the victim, is said to cause *shajjah-i-khafifah*; (ii) by exposing any bone of the victim without causing fracture, is said to cause *shajjah-i-mudihah*; (iii) by fracturing the bone of the victim, without dislocating it, is said to cause *shajjah-i-hashimah*; (iv) by causing fracture of the bone of the victim and thereby the bone is dislocated, is said to cause *shajjah-i-munaqqilah*; (v) by causing fracture of the skull of the victim so that the wound touches the membrane of the brain, is said to cause *shajjah-i-ammah*; (vi) by causing fracture of the skull of the victim and the wound ruptures the membrane of the brain is said to cause *shajjah-i-damighah*.

#### CHAPTER XVI - A OF WRONGFUL RESTRAINT & WRONGFUL CONFINEMENT

339 **Wrongful restraint:** Whoever voluntarily obstructs any person so as to prevent that person from proceeding in any direction in which that person has a right to proceed, is said wrongfully to restrain that person.

Exception: The obstruction of a private way over land or water, which a person in good faith believes himself to have a lawful right to obstruct, is not an offence within the meaning of this section.

... [Illustration]

342 **Punishment for wrongful confinement:** Whoever wrongfully confines any person, shall be punished with imprisonment of either description for, a term, which may extend to one year, or with fine which may extend to one thousand rupees or with both.

347 **Wrongful confinement to extort property or constrain to illegal act:** Whoever wrongfully confines any person for the purpose of extorting from the person confined, or from any person interested in the person confined, any property or valuable security or of constraining the person confined or any person interested in such person to do anything illegal or to give any information which may facilitate the commission of an offence, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

#### *Of Criminal Force and Assault*

352 **Punishment for assault or criminal force otherwise than on grave provocation.** Whoever assaults or uses criminal force to any person otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment of either description for a term which may extend to three months or with fine which may extend to one thousand five hundred rupees, or with both.

... [Explanation]

353 **Assault or criminal force to deter public servant from discharge of his duty:** Whoever assaults or uses criminal force to any person being a public servant in the execution of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by such person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine or with both.

#### *Of Kidnapping, Abduction, Slavery and Forced Labour*

359 **Kidnapping:** Kidnapping is of two kinds: Kidnapping from Pakistan and kidnapping from lawful guardianship.

365 **Kidnapping or abducting with intent secretly and wrongfully to confine person:** Whoever kidnaps or abducts any person with intent to cause that person to be secretly and wrongfully confined, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

365-A **Kidnapping or abducting for extorting property, valuable security, etc.:** Whoever kidnaps or abducts any person for the purpose of extorting from the person kidnapped or abducted, or from any person interested in the person kidnapped or abducted any property, whether movable or immovable, or valuable security, or to compel any person to comply with any other demand, whether in cash or otherwise, for obtaining release of the person kidnapped or abducted, shall be punished with death or imprisonment for life and shall also be liable to forfeiture of property.

- 365-B **Kidnapping, abducting or inducing woman to compel for marriage etc.**- Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her will, or in order that she may be forced, or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment for life, and shall also be liable to fine; and whoever by means of criminal intimidation as defined in this Code, or of abuse of authority or any other method of compulsion, induces any woman to go from any place with intent that she may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall also be punishable as aforesaid.

*Of Rape*

- 375 **Rape.** -A man is said to commit rape who has sexual intercourse with a woman under circumstances falling under any of the five following descriptions,-
- (i) against her will;
  - (ii) without her consent;
  - (iii) with her consent, when the consent has been obtained by putting her in fear of death or hurt;
  - (iv) with her consent, when the man knows that he is not married to her and the consent is given because she believes that the man is another person to whom she is or believes herself to be married; or
  - (v) with or without her consent if she is under sixteen years of age.

- 376 **Punishment for rape.**-(1) Whoever commits rape shall be punished with death or imprisonment for either description for a term which shall not be less than ten years or more than twenty-five years and shall also be liable to fine.

*Of Unnatural Offences*

- 377 **Unnatural offences:** Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which shall not be less than two years nor more than ten years, and shall also be liable to fine. Explanation: Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.

**CHAPTER XVII OF OFFENCES AGAINST PROPERTY**

*Of Theft*

- 378 **Theft:** Whoever, intending to take dishonestly any movable property out of the possession of any person without that person's consent, moves that property in order to such taking, is said to commit theft.

... [Explanations and Illustrations]

- 379 **Punishment for theft:** Whoever commits theft shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.
- 380 **Theft in dwelling house, etc.:** Whoever commits theft in any building, tent or vessel, which building, tent or vessel is used as a human dwelling, or used for the custody of property shall be

punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

381 **Theft by clerk or servant of property in possession of master:** Whoever being a clerk or servant, or being employed in the capacity of a clerk or servant, commits theft in respect of any property in the possession of his master or-employer, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

381-A **Theft of a car or other motor vehicles:** Whoever commits theft of a car or any other motor vehicle, including motor-cycle, scooter and Tractor shall be punished with imprisonment of either description for a term which may extend to seven years and with fine not exceeding the value of the stolen car or motor vehicle.

**Explanation:** Theft of an electric motor of a tube-well or transformer shall be within the meaning of this section.

S. 381 A added by the Criminal Law (Amdt). Act, I of 199

382 **Theft after preparation made for causing death, hurt or restraint in order to the committing of the theft:** Whoever, commits theft, having made preparation for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, to any person, in order to the committing of such theft, or in order to the effecting of his escape after the committing of such theft, or in order to the retaining of property' taken by such theft, shall be punished with rigorous imprisonment for a term, which may extend to ten years, and shall also be liable to fine.

... [Illustrations]

#### *Of Extortion*

383 **Extortion:** Whoever intentionally puts any person in fear of any injury to that person, or to any other, and thereby dishonestly induces the person so put in fear to deliver to any person any property or valuable security or anything signed or sealed which may be converted into a valuable security, commits "extortion".

... [Illustrations]

387 **Putting person in fear of death or of grievous hurt, in order to commit extortion:** Whoever, in order to the committing of extortion, puts or attempts to put any person in fear of death or of grievous hurt to that person or to any Other, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

389 **Putting person in fear of accusation of offence, in order to commit extortion:** Whoever, in order to the committing of extortion, puts or attempts to put any person in fear of an accusation, against that person or any other, of having committed, or attempted to commit, commit an offence punishable with death or With imprisonment for life, or imprisonment for a term which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine, and, if the offence be one punishable under Sec. 377 of this Code, may be punished with imprisonment for life.

#### *Of Robbery and Dacoity*

390 **Robbery:** In all robbery there is either theft or extortion.  
 When theft is robbery: Theft is “robbery” if, in order to the committing of the theft, or in committing the theft, or in carrying away or attempting to carry away property obtained by the theft, the offence, for that end, voluntarily causes or attempts to cause to any person death or hurt, or wrongful restraint, or fear of instant death or of instant hurt or of instant wrongful restraint.

**When extortion is robbery:** Extortion is “robbery” if the offender, at the time of committing the extortion, is in the presence of the person put in fear, and commits the extortion by putting that person in fear of instant death, of instant hurt, or of instant wrongful restraint to that person, or to some other person, and by so putting in fear; induces the person so put in fear then and there to deliver up the thing extorted.

... [Explanation and Illustrations]

391 **Dacoity:** When five or more persons conjointly commit or attempt to commit a robbery, or where the whole number of persons conjointly committing or attempting to commit a robbery and persons present and aiding such commission or attempt, amount to five or more, every person so committing, attempting or aiding is said to commit “dacoity”

392 **Punishment for robbery:** Whoever commits robbery shall be punished with rigorous imprisonment for a term which shall not be less than three years nor more than ten years, and shall also be liable to fine; and, if the robbery be committed on the highway the imprisonment may be extended to fourteen years.

393 **Attempt to commit robbery:** Whoever attempts to commit robbery shall be punished with rigorous imprisonment for a term, which may extend to seven years, and shall be liable to fine.

395 **Punishment for dacoity:** Whoever commits dacoity shall be punished with imprisonment for life, or with rigorous imprisonment for a term which shall not be less than four years nor more than ten years and shall also be liable to fine.

397 **Robbery or dacoity, with attempt to cause death or grievous hurt:** If, at the time of committing robbery or dacoity, the offender uses any deadly weapon, or causes grievous hurt to any person or attempts to cause death or grievous hurt to any person the imprisonment with which such offender shall be punished shall not be less than seven years.

#### *Of Criminal Trespass*

452 **House-trespass after preparation for hurt, assault or wrongful restraint:** Whoever commits house-trespass having made preparation for causing hurt to any person or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt, or of assault, or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

454 **Lurking house-trespass or house-breaking in order to commit offence punishable with imprisonment:** Whoever commits lurking house-trespass or housebreaking, in order to the committing of any offence punishable with imprisonment, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine, and if the offence intended to be committed is theft, the term of the imprisonment may be extended to ten years.

- 457 **Lurking house-trespass or house-breaking by night in order to commit offence punishable with imprisonment:** Whoever commits lurking house-trespass by night, or house-breaking by night, in order to the committing of any offence punishable with imprisonment, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine; and, if the offence intended to be committed is theft, the term of the imprisonment may be extended to fourteen years.

#### **CHAPTER XX OF OFFENCES RELATING TO MARRIAGE**

- 496 **Marriage ceremony fraudulently gone through without lawful marriage:** Whoever, dishonestly or with a fraudulent intention, goes through the ceremony of being married, knowing that he is not thereby lawfully married, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall be liable to fine.

SAA SINDH ARMS ACT, 2013

#### **CHAPTER-V OFFENCES AND PENALTIES**

- 23-A 23.(1) Whoever –
- (a) acquires, possesses, carries or control any firearm or ammunition in infringement of section 3, shall be punishable with imprisonment for a term which may extend to fourteen years and with fine; ...
- shall be punishable with imprisonment for a term which may extend to ten years and with fine.

## APPENDIX 4

### INTERNATIONAL CLASSIFICATION OF CRIME FOR STATISTICAL PURPOSES (ICCS)

The 51 sections of law<sup>124</sup> under which the juveniles have been charged have been classified under UNODC's International Classification of Crime for Statistical Purposes (ICCS),<sup>125</sup> as shown in the following table.

ICCS	Sections of Law	Short Code
Section 01 Acts leading to death or intending to cause death	PPC 302, 316, 320, 324,	01 Death
Section 02 Acts causing harm or intending to cause harm to the person	PPC 334, 337, 339, 342, 347, 359, 365, 365-A, 365-B	02 Person
Section 03 Injurious acts of a sexual nature	PPC 375, 376, 377	03 Sexual
Section 04 Acts against property involving violence or threat against a person	PPC 382, 383, 387, 389, 390, 391, 392, 393, 395, 397, 452	04 Violence
Section 05 Acts against property only	PPC 378, 379, 380, 381, 381-A, 454, 457	05 Property
Section 06 Acts involving controlled drugs or other psychoactive substances	CNS 6, 9-B, 9-C, PEHO 3, 4	06 Drugs
Section 07 Acts involving fraud, deception or corruption (excluding immigration fraud: 08)	PPC 237, 496	07 Fraud
Section 08 Acts against public order, authority and provisions of the State (including S.0805 Acts related to migration)	EO 17, 18, FA 14 PPC 186, 352, 353	08 Order
Section 09 Acts against public safety and state security (including S.090111: unlawful possession or use of firearms)	PPC 269, 270 SAA 23-A	09 Security
Section 10 Acts against the natural environment		
Section 11 Other criminal acts not elsewhere classified		

Where a prisoner has been charged under multiple sections of the law, the Short Code (listed in the third column above) has been used in data on Crime Patterns (Q. 3) in Appendix 1, and elsewhere, to list offenses under multiple sections of law (rather than listing the full name, given in the first column above).

124 PPC 34, invoked with other sections of law, is not listed in the table below.

125 United Nations Office on Drugs and Crime (UNODC), International Classification of Crime for Statistical Purposes, Version 1.0, Vienna: United Nations, March 2015. PPC 34

## APPENDIX 5

### INTERNATIONAL STANDARD CLASSIFICATION OF OCCUPATIONS (ISCO-08)

ISCO-08, adopted in March 2008, has been developed by the International Labour Organisation (ILO) to serve as a model for countries developing or revising their national occupational classifications.<sup>126</sup>

ISCO-08: MAJOR (0-9), AND SELECTED SUB-MAJOR GROUPS (40-90)	
0	Armed Forces Occupations
1	Managers
2	Professionals
3	Technicians and Associated Professionals
4	Clerical Support Workers
41	General & Keyboard Clerks
42	Customer Service Clerks
43	Numerical & Material Recording Clerks
44	Other Clerical Support Workers
5	Service and Sales Workers
51	Personal Service Workers
52	Sales Workers
53	Personal Care Workers
54	Protective Services Workers
6	Skilled Agricultural, Forestry and Fishery Workers
61	Market-oriented Skilled Agricultural Workers
62	Market-oriented Skilled Forestry, Fishery & Hunting Workers
63	Subsistence Farmers
7	Craft and Related Trades Workers
71	Building & Related Trade Workers (excluding Electricians)
72	Metal, Machinery & Related Trades Workers
73	Handicraft & Printing Workers
74	Electrical & Electronic Trades Workers
75	Food Processing, Woodworking, Garment and Other Craft & Related Trades Workers
8	Plant and Machine Operators and Assemblers
81	Stationary Plant & Machine Operators
82	Assemblers
83	Drivers & Mobile Plant Operators
9	Elementary Occupations
91	Cleaners & Helpers
92	Agricultural, Forestry & Fishery Labourers
93	Labourers in Mining, Construction, Manufacturing & Transport
94	Food Preparation Assistants
95	Street and Related Sales & Service Workers
96	Refuse Workers & Other Elementary Workers

Because answers to the question: “If employed, doing what?” exhibited much variation, and were often neither uniform nor clear, it was difficult to classify the occupations reported according to the ISCO-08 classifications. Also, it was hard to relate to the most aggregate 1-digit level of 10 ISCO-08 classes, making analysis difficult.

Accordingly, based loosely on the ISCO-08 classes, a 6-category classification was devised for this study. In doing so, our categories often overlapped with ISCO-08 classes — e.g. we lumped under “rivers” both bus drivers (ISCO-08 Class 7) and bus conductors (ISCO-08 Class 8).<sup>127</sup>

<sup>126</sup> International Labour Office, International Standard Classification of Occupations (ISCO-08), Volume 1: Structure, group definitions and correspondence tables, Geneva, 2012. This revises the 20-year old ISCO-88 classification.

<sup>127</sup> Following ISCO-08, self-employed owner-operators are classified under, 7 Craft & Related-Related Trades Workers: “Self-employed craft and related trades workers, who operate their own businesses either independently or with assistance from a small number of others, may also perform a range of tasks associated with management of the business, account and record keeping and client service, although such tasks would not normally comprise the major component of the work.” (International Labour Office 2012, 277).

The following Table provides a concordance between this study's 6-category codes, the kind of responses they cover, and the corresponding ISCO-08 Classes they span.

1-Word Code	Full Code, and the Responses by Respondents they Cover	ISCO-08 Class
Labourers	<b>Labourer, Factory Worker &amp; Mechanics</b> Operate machine, overlock machine; Work as mechanic, car, bike, or rickshaw mechanic; car service and air conditioning repair; Work at marble, shoe, steel, towel or other factory; manual labour; or collect garbage.	9 Elementary Occupations
Cleaners	<b>Cleaners, Helpers &amp; Service Workers</b> Work at: bank canteen (cafeteria), car showroom, company, crockery shop, general store, hotel, lawyer's office, milk shop, plastic store, restaurant, service station, hotel, private house, shop, or store.	5 Service & Sales, & 9 Elementary Occupation
Craftsmen	<b>Garment, Shoe-Making &amp; Related Trades</b> Work at cobbler, embroidery, garments, or tailor's shop; or stitching garments or towels.	7 Craft & Related-Trades Workers, 8 Machine Operators, & 9 Elementary Occupations
Vendors	<b>Food Sellers, Vendors and Shopkeepers</b> Vendor of (or works at a shop or market selling) one or more of: biryani, coconuts, dry fruit, food, French fries, fruit, peanuts, rice, sugarcane, vegetables, etc.; shopkeeper (embroidery shop, general store, unspecified).	5 Service & Sales Workers
Drivers	<b>Drivers &amp; Transport Workers</b> Bus driver, driver, driver in factory, rickshaw driver, Suzuki driver, bus conductor, etc.	5 Service Workers & 8 Drivers
Fisheries	<b>Fisheries Workers</b> Fisherman, or work at: fishery company or fishery factory.	6 Market-Oriented Skilled Fisheries Worker

One respondent reported doing two jobs (garments work and fishing). To keep it simple, this response was neither coded nor included explicitly in the analysis.





