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Pakistan: Children let down by justice system

Around 4,500 children are currently in detention in Pakistan. More than 3,000 of them have not been convicted of any offence; their trials have either still yet to start or have not yet been completed.

"Children can sometimes spend several months or even years in detention simply because their families cannot afford to pay their bail. Once they eventually get to trial, conviction rates are as low as 15-20%," Amnesty International said launching its latest report on the treatment of children by the justice system in Pakistan. The report follows a review earlier this month of the publication of the recommendations of the UN Committee on the Rights of the Child to Pakistan on its second periodic review.

Pakistan ratified the UN Convention on the Rights of the Child in 1990 and introduced domestic measures, such as the Juvenile Justice System Ordinance (JJSO) which came into force in 2000, as part of efforts to fulfil the obligation to protect the rights of children who come in contact with the law.

"However, a widespread lack of awareness and failure to implement these measures means that the rights of children in police custody or prison in Pakistan are often neglected," Amnesty International added.

The JJSO does not allow a court to hear children and adult cases on the same day but this happens regularly. This results in children, including first-time offenders, being transported and held in lock-ups with adults where they are at risk of abuse in violation of the law.

The handing down of the death penalty to children is strictly prohibited by both international human rights law and the JJSO, but children continue to be sentenced to death in Pakistan. This happens in the lower courts where not all magistrates are aware of the JJSO and in the Tribally and Provincially Administered Areas where the Ordinance is not in force. Children whose ages are contested remain imprisoned with adults, sometimes on death row, until their age is clarified. According to government officials, in Punjab alone, there are over 300 cases where the age of the children is being contested.

Several of the children who had their death sentences commuted by President Musharraf during Amnesty International's Secretary General Irene Khan's visit to Pakistan in 2001 remain on death row because the family of the victim has questioned their claim to be children.

"All children who come into contact with the law are entitled to the same rights as adults as well as additional protective measures which take into account their particular vulnerability. Despite this, in Pakistan, children are often the victims of abuse or neglect by the very people who have responsibility for their welfare," Amnesty International emphasized. "This neglect can be the failure of the legal system to recognize its role as guardian of a detained child or a lack of knowledge about a child's rights under the law."

On a recent visit to Pakistan, Amnesty International visited several courts and juvenile detention centres and met with journalists, lawyers and judges as well as many detained children. The visit is documented in the report "*Pakistan: Denial of basic rights for child prisoners*".

For the full text of the report, please go to:
"Pakistan: Denial of basic rights for child prisoners"
<http://web.amnesty.org/library/index/engasa330112003>

For the full text of the CRC see <http://www.unchr.ch/html/menu2/6/crc/treaties/crc/html>.

For the full text of the observations and recommendations, see CRC/C/15/Add.217

Public Document

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