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MANAGEMENT OF THE JUVENILE JUSTICE SYSTEM IN PAKISTAN

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Abstract
The juvenile justice system in Pakistan is a legal and social framework for responding to young people involved in delinquent or criminal conduct. Unlike the adult criminal justice system, it is designed for minors, generally those under 18, and is intended to reflect their age, vulnerability, and capacity for rehabilitation. With the enactment of the Juvenile Justice System Act 2018 (JJSA), Pakistan's statutory framework may be viewed as relatively progressive. Children in conflict with the law continue to suffer from inadequate and unreliable age determination procedures, extended pre-trial detentions, poor access to meaningful legal representation, and very limited access to rehabilitation, which is more formally in place than in practice. This article discusses the legal structure and management system of the juvenile justice system, tracing the constitutional basis of the system, the legislative development of the juvenile justice system from the Juvenile Justice System Ordinance 2000 to the Juvenile Justice System Act 2018, and Pakistan's obligations under the Convention on the Rights of the Child, the Beijing Rules and the Riyadh Guidelines. It examines the implementation of the juvenile justice system. It puts Pakistani practice in perspective and provides an international and comparative context for better implementation. The article emphasizes the need for institutional investment, functional diversion systems, well-trained staff, data systems, and continuous monitoring programs as components of a rights-based, rehabilitative juvenile justice system.

1 Introduction

Treatment of children who become involved in the legal system is one of the most obvious measures of a legal system's commitment to children's vulnerability, dignity and rehabilitation (Kasuri et al., 2024). Throughout third-world nations, children generally accused of an offense along with adults were dealt with through the same procedural processes and tried in the same courts, and in some documented cases, faced punishment that was not commensurate with their age, maturity, or reformability. Many children who enter the juvenile crime scenarios come from low-income families, street or work-children, and/or families with poor access to education and social protection (Mahmood et al., 2025). Many of them are often first-time offenders who did not cause violence, but rather are accused of petty theft, minor drug charges, or survival crimes, rather than crimes of predation. Others are victims of organized exploitation who are criminalized, such as children who are forced into begging, drug trafficking, or other forms of organized exploitation. It is important to this socioeconomic profile because it influences both how children encounter the justice system and

their ability to be released from jail, to have a competent attorney, and to endure the stress of long-term litigation (Qayum & Ahmad, 2022).

Development is a factor that makes children more vulnerable than adult offenders, altering the risks that are normally faced by those charged as criminals. Children have a reduced ability to make moral and legal judgments compared to adults, are more easily coaxed into incriminating themselves during police questioning, and have a much greater ability to change their behavior if they are offered the right rehabilitative interventions (Mahmood et al., 2024). For decades, international juvenile justice instruments of scholarship have acknowledged that the punitive measures of juvenile incarceration promote rather than desist patterns of offending, especially when children are placed in contact with older and more experienced offenders. This is exactly why, in the modern world, the concept of diversion, restorative justice, and last resort attainment of detention are gaining momentum and have been formally adopted into the law of Pakistan (Waqar et al., 2022).

Pakistan is a signatory to the Convention on the Rights of the Child and has provisions in its Constitution which explicitly enable the State to make special provision for the protection of children (Shahzad et al., 2022). If the juvenile justice system does not operate in a manner that considers the need to be age-sensitive, vulnerable, and rehabilitative in nature, it can affect the mental capability of a young offender. A large proportion of the population in Pakistan is under the age of eighteen; a less-than-perfect juvenile justice system affects the social reintegration or marginalization of the younger populace of the society (Nazim, 2023). The most important legislative effort undertaken to tackle such issues in Pakistan is the Juvenile Justice System Act 2018 (JJSA), which superseded the existing Juvenile Justice System Ordinance 2000 and provided a more detailed statutory framework for the arrest, investigation, bail, trial, diversion, and rehabilitation of children. It is a significant step in the formal compilation of rights, including the right to state-funded legal representation, no disclosure of identities, no corporal punishment, and other rights for minor offenders. (Mehmood et al., 2024).

2 Evolution and Legal Framework of Juvenile Justice in Pakistan

2.1 Constitutional and Legal Foundations

The constitutional basis for juvenile protection in Pakistan can be derived from the Constitution of the Islamic Republic of Pakistan 1973. Article 9 provides for a guarantee of life and liberty which is of immediate relevance to children who are arrested, detained or placed in custodial punishment. The right to due process and a fair trial is of particular importance in the context of Article 10-A for children who, as a result of their age and dependency, are less likely to exercise their procedural rights without the support of institutional procedures (Imran & Makhdoom, 2024). The state has a special mandate to make special provision for the protection of women and children (Article 25(3)), and equality before the law (Article 25). Article 4 also states that everyone be treated according to the law, thus reaffirming that children are entitled to the protection of the legal process, in the same way as adults.

Alongside the constitutional legislation and JJSA 2018, the Pakistan Penal Code (PPC) 1860 also applies to the minimum age of criminal responsibility, which was not addressed in the JJSA. According to Sec 82 PPC, the doctrine of absolute criminal incapacity, below a certain age, provides that no act done by a child under seven years of age is an offense. Sec 83 also establishes a rebuttable presumption of incapacity for children aged 7–12, and gives criminal liability only when the prosecution proves the child had a sufficient degree of maturity of understanding to understand the nature and consequences of the conduct in question (Saleem, 2025). This structure also allows highlighting the different ages of criminal liability from the age of 7 years up to 14 years in international statutes (Aslam et al., 2025).

Although after the 18th Amendment, criminal law and procedure became subjects of federal and provincial governments for legislative purposes, the administration of police, prisons, and social welfare services remains under provincial administration. This decentralization of authority results in a significant inter-provincial variation in

the practices of juvenile justice and the speed and manner in which juvenile justice is implemented as the JJSA is pursued (Hussain et al., 2025).

2.2 International Obligations and Child Rights Standards

Pakistan's juvenile justice obligations are largely rooted in international law, including, among others, the Convention on the Rights of the Child, signed by Pakistan in 1990, one of the earliest ones to be ratified (Smith, 2021). The Convention sets out a number of key principles of relevance to juvenile justice management. The best interests of the child are a primary consideration in all actions taken concerning children; The child has the right to be heard in matters affecting him; The principle of non-discrimination; and, most explicitly, Article 37, which states that the arrest, detention or imprisonment of a child must take place only as a last resort and for the shortest appropriate period, and that children deprived of their liberty are to be separated from adults unless it is found to be in the child's best interests not to do so. Article 40 also emphasizes the need to create a specialized juvenile justice system, and to undertake such measures as are appropriate for children to deal with them without resort to judicial action, which provides the normative basis for the diversion approach in the JJSA (Ansems et al., 2021).

Pakistan is also a signatory to United Nations documents, the Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) 1985; the Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines) 1990; and the Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules) 1990. These instruments put together the operational dimensions of child-sensitive justice, namely the notion of proportionality in disposition, the minimization of formal judicial interventions, the prioritization of community-based interventions, and minimum standards for the treatment of children in institutions. The Convention also has a number of treaty bodies that monitor compliance with the Convention, which ask member states to set the minimum age of criminal responsibility at the internationally recommended level of 14, which ironically illustrates the fact that Pakistan's domestic law still has a better and more effective low minimum age of criminal responsibility, unlike international expectation, under the PPC. The Convention and the instruments that build on it are not satisfied with states enacting laws banning specific practices, but also expect active institutions, trained resources and administrative structures to be in place to put in place child-sensitive procedures in practice. It was at this operational level that Pakistan's commitment to its international obligations is most precariously placed (Dehaghani & Newman, 2021).

3 Institutional Management of the Juvenile Justice System

3.1 Key Institutions and Their Functions

The effective working of the Juvenile Justice system in Pakistan is dependent on the seamless working of a chain of institutions, each having statutory responsibilities, starting with the police. The police are the first point of contact for children with the justice system and have primary responsibility for age determination, for ensuring arrest and detention conditions meet the protections provided under the JJSA, and for investigations, through officers of appropriate rank and supervision (Stoykova, 2021). How this initial responsibility is carried out has a disproportionate impact on a child's pathway to the rest of the system, as errors will be hard to fix later in the process, especially when it comes to age determination. The prosecution services have a formal mandate to exercise discretion in keeping with the best interests of the child which includes to support and not hinder eligible diversion, determine whether or not a case should be taken to a formal trial and ensure that the charges are in keeping with the differentiated offence categories established in the JJSA and do not default to the most serious available charge for the offence (Hohl et al., 2022).

Juvenile courts, which were introduced by the JJSA to address offences allegedly committed by young people, are meant to have special characteristics, such as the six-month time limit for juvenile court cases and the ability to dispense with the juvenile's corporeal appearance. Committees are established in every district, and normally consist of members

who have a judicial, prosecutorial, and social welfare background, who have the power to dispose of eligible cases without custody with the consent of the accused, via non-custodial mechanisms. The duties of probation officers relate to the supervision of juveniles released on probation, the preparation of social background reports, and the mediation of offenders and complainants, conforming to a framework that existed prior to the JJSA but has been modified to include the juvenile justice system. Under the JJSA, there will be Juvenile Rehabilitation Centers (JRCs) that would offer extended placements for juveniles in rehabilitation, different from the punitive nature of ordinary prisons; and observation homes that would provide temporary housing for juveniles who are pending trial, but it is not appropriate to release them (Peacock, 2022). These are not the only facilities; other facilities, such as borstal institutions and reformatories, have also been in operation, and in some provinces, continue to operate, and have a history that often overlaps and is layered on top of the history of these newer facilities, with some of these facilities going back to laws passed during the colonial era, such as the Reformatory Schools Act 1897. This institutional map is complemented by a quasi-oversight role played by provincial bodies of child protection like the bodies set up under federal laws for child protection in Punjab and Sindh, and the National Commission on the Rights of the Child at the federal level (Weisburd et al., 2022).

3.2 Coordination, Administration and Implementation

JJSA's safeguards and frontline officials who are tasked with implementing those safeguards are not in coordination. Often, police officers have no idea what powers they have regarding a juvenile investigation, and how far they can go based on the rank they hold, which are provisions that they're supposed to follow or not. The statutory split between juvenile and adult courts is not always reflected in the processes of the courts handling juvenile cases, especially when judicial officers exercise juvenile jurisdiction in the same criminal court (Tejerizo, 2023). While there is a statutory distinction between juvenile and adult courts, the distinction does not always have a practical effect in the actual processes of the courts handling juvenile cases, particularly when judicial officers have juvenile jurisdiction in the same criminal court. There is often a gap in the processing of cases at early stages, for instance when probation officers are not engaged with cases, which remains significantly less than the required number of officers per case; it is partly because of the fact that some officers may see the involvement of probation officers as an unwanted form of oversight in informal or extralegal case resolution procedures (Mentovich et al., 2023).

4 Practical Challenges in Juvenile Justice Management

4.1 Police, Investigation and Arrest of Juveniles

The most significant part for a minor offender is at the time of arrest and initial investigation, at the same time as one of the places where statutory safeguards have the greatest effect (van Hall et al., 2023). The JJSA stipulates that the investigation must be carried out by an officer of the rank of Sub-Inspector or higher with the guidance of a Superintendent of Police or Sub-Divisional Police Officer, but in practice this is often not adhered to, especially in smaller police stations where there is limited scope for staff to be specialized. Many police stations do not have separate facilities for juvenile children, and therefore children are kept with adults who are arrested suspects in the Police Station. Some provinces have introduced child/juvenile welfare desks at certain police stations, but this is a small proportion of all police stations, and in those that do have these desks, they are not usually adequately supported with the training of child interviewers needed to ensure that child suspects and witnesses are not coerced or intimidated.

The most persistent liability in the JJSA is in its age determination process, which is the gateway procedure that starts the whole protective system of the JJSA. In cases where there is no documentary evidence of age (birth certificate, national identity registration), for which it is not uncommon for children to come from impoverished or under-registered households, age determination is based on medical examination or

judicial decision-making, which are not rapid and reliable (Arat, 2023). The socio-economic profile of children that police officers encounter in this context is also noteworthy; a majority of these children are street children, children doing informal work or children who are accused of a minor offence of committing property damage or possession of narcotics which are related to poverty as opposed to malicious intent, which raises the larger question of whether criminal justice is the most appropriate primary tool to deal with the majority of juvenile crime in Pakistan (Yardim, 2023).

4.2 Juvenile Courts, Legal Representation and Delays

The concept of 6 months disposal in JJSA is a good, child-sensitive principle, but the empirical data shows that in practice the juvenile courts fall far short of this standard in Pakistan. Child rights bodies have compiled figures over a long period indicating that with some 22,000 cases of children reported over a period of some 15 years, very few cases, around 6 percent, have been convicted, and the vast majority of cases have not been brought to a conclusion or acquired after long and drawn-out proceedings (Miller, 2023). Although a low conviction rate per se is not necessarily a problem, and may simply be a reflection of a soundly conservative prosecution stance, combined with independent evidence of a high proportion of under-trial juveniles in detention, it does suggest that a juvenile's stay in detention is more likely to be driven by delay than by conviction. Also, specialized juvenile courts are not available, and these delays are compounded (Ryberg, 2024a).

4.3 Detention, Observation Homes and Correctional Facilities

When detention is used, it is often used for juveniles under trial and/or after conviction and the conditions to which young people are subjected in Pakistan are often below the statutory and international standards. In spite of the JJSA's stipulation for separating juveniles from adults, independent monitoring in juvenile wards within normal prisons has revealed that some facilities have been overcrowded, exceeding their designed capacity by several fold, and that sleeping conditions are poor, access to education is limited, and there is insufficient separation between juvenile and adult prisoners (Custers, 2024). Access to routine medical, psychological, and further assistance with continuing education in these facilities has not been consistently adequate, and the time spent in detention often detracts from the child's education and development, without a systematic educational or therapeutic program to make up for the lost time. While the Act assumes that Juvenile Rehabilitation Centers would be built and would be very different from incarceration, the implementation of the centers has been slow and uneven in different provinces, and many young people continue to be sent to the juvenile wards of ordinary district jails, rather than to specially built and designed centers for rehabilitation.

Another structural weakness is related to staffing. The idea of Juvenile Rehabilitation Centers was to provide a place where non-uniformed and child-welfare-trained workers would be in charge, but in practice many of these facilities remain under the control of uniformed prison workers trained for custodial security and not for child welfare or psychosocial support (Matijašević et al., 2024). Female juveniles are especially vulnerable in this regard because there are very few female juvenile facilities in some provinces, which not only violate the specific protection of the JJSA for female juveniles, but also expose them to inappropriate co-location with adult female prisoners (Degenshein, 2024).

4.4 Rehabilitation, Probation and Reintegration Challenges

In juvenile rehabilitation centers that already exist, vocational and life-skills training is often limited to a small number of “traditional” trades, not always available and not always connected to a labor-market evaluation of the opportunities that are available to youth when they are released, devaluing the importance of rehabilitation even when youth are placed in such institutions. There are parallel constraints on probation services (Baig & Hameed, 2025). The ratio of probationers to probation officers is still far too low and allows for only limited and infrequent supervision, social background investigation, and mediation as

probation is supposed to offer. The involvement of probation officers is sometimes limited because of the discomfort of police and/or lower officials with the idea of having extra institutional intervention in case processing.

Reintegration problems are not limited to the time of release or diversion; children who have come into contact with the justice system often face social stigma, missed schooling, and difficulties reconciling with family members and others in the community, and there is less formal support in place to support reintegration after justice (Isleem, 2025). There are again significant disparities between rural and economically disadvantaged districts and the major urban centers, with the former providing much less rehabilitative and reintegrative resources than the latter. Lack of reliable and centrally collected data on the rates of recidivism of diverted/rehabilitated juveniles exacerbates the challenge of determining whether the country's rehabilitative measures are effective and delivering the desired results, without which policymakers cannot act on an evidence base.

5 Reform and Future Management of Juvenile Justice in Pakistan

The foregoing analysis indicates that the reforms most likely to have a positive impact on children in conflict with the law in Pakistan are to be found in the institutional capacity and coordination space, and not in the space for further legislative redrafting. (Mahmood et al., 2024). There is a need for provincial governments to report on a defined timeline on the establishment of these institutions to a central monitoring body, and to make it a measurable and accountable commitment in the course of their careers (Majeed et al., 2022).

The diversion mechanism is a practical investment that needs to be made if the JJSA is to take its conceptual step from marginal uptake to substantial uptake. To this end, at a minimum, there must be consistent eligibility criteria and procedures across provinces for Juvenile Justice Committees; training for police and prosecutors on diversion referral; and, crucially, the development of the diversion programming, that is, the community-based components such as supervised community service placements, restitution mechanisms, and counseling services, without which diversion decisions cannot be put into practice. Piloting and scaling restorative justice approaches as a part of this infrastructure, which involves structured dialogue between the juvenile offender, the victim, and representatives from the community, as an alternative to formal prosecution and informal ways of handling disputes in parallel with the formal justice system in some parts of Pakistan (Qayum & Ahmad, 2022). Any involvement with such informal mechanisms should be accompanied by clear regulatory boundaries that mean a child's participation in such a process continues to be truly voluntary and that outcomes continue to remain consistent with the best interests principle of the minor offender (Waqar et al., 2022).

There is a need to invest in capital and human resources to address the need for correctional and rehabilitative infrastructure. Instead of a stand-alone Juvenile Rehabilitation Centre in every district, a more feasible short to medium term option would be to build a Juvenile Rehabilitation Centre at the regional level - one for a group of districts in a region - where child welfare workers are to be trained and appointed (as opposed to personnel from the ordinary prison service) and where attention is to be paid to regions where there is no existing juvenile facility for girls (Waqar et al., 2022). There needs to be a significant increase in the number of officers employed by probation services compared to the number of caseloads and greater bonding between the provincial social welfare and probation services to improve the quality of social background investigation and supervision after release. Structured partnerships with child rights organizations and development partners ready to co-finance pilot programming, with dedicated budget lines in provincial finance departments where applicable, are likely to be the best way to ensure sustainable financing of this infrastructure, though this is not expected to occur without additional funding from provincial budgets (Shahzad et al., 2022).

There is need for an integrated case-management system between police, prosecution, courts, probation and correctional facilities for juvenile cases which can be achieved through a common

digital system to track and monitor cases, to monitor compliance with statutory timelines, to track diversion and rehabilitation outcomes and to generate empirical data that can inform evidence-based policies and practices, including reliable recidivism indicators currently not available at a national level (Nazim, 2023). Each of these suggestions individually has its limitations, but together, they can be looked upon as a realistic and sequenced process to bridge the gap between the progressive child justice legislation in Pakistan and the reality of children as stakeholders (Mehmood et al., 2024).

Conclusion

The management of Pakistan's juvenile justice system cannot be separated from the substance of the laws that govern it. This analysis shows that the Juvenile Justice System Act 2018 represents a meaningful improvement over earlier legislation and reflects key principles such as proportionality, diversion, legal assistance, and detention as a measure of last resort. However, persistent problems including unreliable age determination, prolonged pre-trial detention, limited use of probation, and the absence of juvenile institutions demonstrate that legislative reform alone cannot secure child-centric justice. Effective implementation requires sustained investment in infrastructure, including functional Juvenile Justice Committees in every district, trained juvenile-specialized personnel in police, judicial, and probation services, appropriate rehabilitation centers, and an integrated data system to support accountability and evidence-based reform. Pakistan does not need a new juvenile justice system but a better implementation and management of the existing one. Only through continuous institutional development can Pakistan build a juvenile justice system that treats children in conflict with the law as developing individuals rather than merely as offenders.

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