



PRISON REFORMS

**Wafaqi Mohtasib (Ombudsman)'s Secretariat
Islamabad**

Prison Reforms by the Wafaqi Mohtasib (Ombudsman)

Legal Framework

The Wafaqi Mohtasib (Ombudsman) is empowered by law to identify and address the root causes of corrupt practices and injustice. This includes conducting research and recommending measures for their eradication. Additionally, the Wafaqi Mohtasib can undertake investigations into allegations of maladministration within any agency or its officers upon the motion of the Supreme Court or High Court during legal proceedings.

2. On May 28, 2015, the Honorable Supreme Court of Pakistan issued an order in CMA No. 1313/2015, in suo moto Case No. 1 of 2006, which addressed the poor conditions of women in prisons. The Court observed a significant failure in the regulatory framework concerning prison conditions, emphasizing the lack of effective oversight to ensure prisoner welfare.

3. After reviewing the mandate and powers of the Ombudsman offices, the Supreme Court vide para 31 and 32 of its order stated that the Ombudsman must not only address individual complaints but also tackle systemic failures that cause maladministration. The Court recommended forming standing committees and inspection teams to examine and rectify these failures and enforce standards of good administration.

Establishment of the National Committee on Prison Reform

4. In response to the Supreme Court's order, the Wafaqi Mohtasib constituted a National Committee on Prison Reform in October 2015. The committee was chaired by the late Ex-Senator S.M. Zafar, a former President of the Human Rights Commission of Pakistan and the Supreme Court Bar Association. The committee included distinguished members from various fields, including civil society, legal and medical communities, retired and serving public officials, media representatives, Inspector Generals of Prisons, and heads of major prisons in Pakistan.

5. The committee conducted an in-depth study of the prison system, including visits to six key prisons across the country. The study identified major issues and shortcomings, and the committee provided a comprehensive report with recommendations in December 2015, which was submitted to the relevant federal and provincial agencies and the Supreme Court.

Key Recommendations of the Committee

6. Following are the major recommendations contained in the study report prepared by the Committee: -

i) Formation of Committees:

- a. District Oversight Committees: To monitor the implementation of the Supreme Court's orders and report any deficiencies to the respective Home Departments/IG Prisons.
- b. Welfare Committees: To improve the living conditions of prisoners, especially children, women, and those without resources. These committees should include members from civil society, bar councils, and the education and health sectors.

- ii) **Appointment of Focal Persons:** Federal and provincial authorities should designate senior officers as focal persons to facilitate the committees' surprise visits to prisons. These focal persons should submit a comprehensive schedule of visits.
- iii) **Expansion of Probation and Parole:** The Law & Justice Commission, Advocates General, and Provincial Ombudsmen should propose significant expansions in the probation and parole systems to reduce overcrowding in prisons and aid in the reformation of convicts, juveniles, and first-time offenders.
- iv) **Construction of New Prisons:**
 - a. Provincial governments should build prisons in every district headquarters, with separate sections for women and juvenile prisoners.
 - b. The Federal Government should construct a prison in Islamabad.
- v) **Biometric Systems and Computerization:** Implement biometric systems in prisons linked to courts for maintaining prisoners record. Computerize jail records, registers, and "Peshi Roasters." Develop an interface between jails, courts, and NADRA for monitoring and verifying prisoner records.
- vi) **Segregation of Prisoners:** Drug users and mentally challenged prisoners should be housed in rehabilitation centres or specialized facilities outside prison premises. High-profile criminals should be separated from ordinary or under-trial prisoners. Prisoners with infectious diseases should be isolated and provided with appropriate treatment.

- vii) **Educational and Skill Development:** Collaborate with the Higher Education Commission, universities, and other institutions to enhance educational and skill training facilities in prisons. Establish libraries and offer courses leading to formal educational qualifications.
- viii) **Healthcare Improvements:** Enhance the health and hygiene conditions of prisoners. Ensure the provision of clean drinking water and adequate toilet facilities. Provide proper medical care, including psychological counselling, for all prisoners.
- ix) **Legal Aid:** The Pakistan Bar Council and Provincial Bar Councils should provide free legal aid to prisoners, especially under-trial prisoners.

Other Recommendations:

- a. Health and Hygienic Conditions of Prisoners must be improved.
- b. Juveniles and Women Prisoners should be completely segregated.
- c. Computerization of prisons staff and their transfer to other jails after every three years.
- d. Resolution of grievances of Foreign Prisoners.
- e. Establishment of Prisoners Voluntary Donations Fund.
- f. Establishment of Sweet Homes for Children living with their mothers in jails.
- g. Construction of Wash Rooms and Provision of drinking water facility to both prisoners and visitors.
- h. Waiting Rooms for visitors along with relevant facilities in every jails.
- i. Mechanism to address the issue of unnecessary / illegal detention of UTPs involved in petty crimes.

- j.** Provision of proper health care facilities in the prisons including psychological counselling of prisoners by the Government.
- k.** Arrangements must be made by the Provincial Government to Control the violence and harassment in jails.
- l.** Hard-core/ high profile criminals such as murderers, terrorists, extortionists should be kept separate from the ordinary or under trial prisoners who are not involved in such heinous crimes.
- m.** Prisoners with HIV, Hepatitis, T.B. and drug addicts should be segregated and kept apart from other prisoners.
- n.** Strict surveillance should be done in jails for protecting the prisoners from physical and sexual assaults.
- o.** Training and performance evaluation of prison's officials should go hand in hand with career planning.
- p.** Sanctioned strength of medical staff should be enhanced and medical equipment requirement should be furnished.
- q.** Libraries in jails should be well stocked with books.

Supreme Court's Subsequent Orders for Implementation

7. In July 2018, the Supreme Court directed the Wafaqi Mohtasib to assess the implementation of the committee's recommendations and to ensure that they were being enforced. Subsequent orders in September 2018 reiterated this directive, and the Wafaqi Mohtasib has since been holding regular meetings with provincial government departments to evaluate progress.

8. To date, the Wafaqi Mohtasib has submitted 17 Quarterly Progress Reports to the Supreme Court, detailing the implementation status of the recommendations.

Progress on Implementation

9. Salient points of the status of implementation reported by the provincial authorities on the recommendations of Wafaqi Mohtasib's report are as follows:

- i) Formation of Oversight and Welfare Committees:**
Provincial prison authorities have established District Oversight and Welfare Committees, comprising members from civil society, bar associations, and key sectors like health and education. These committees regularly visit jails to monitor and improve prisoners' living conditions, especially for children, women, and the destitute.
- ii) Nomination of Focal Persons:**
Focal persons have been designated by Provincial Home Departments and Jail authorities to assist the committees and organize jail visits.
- iii) Addressing Jail Overcrowding:**
Efforts are underway to construct new jails in every district headquarters. Several jails are under construction across Punjab, Sindh, Khyber Pakhtunkhwa, and Balochistan. The federal government is also building an Islamabad Model Prison.
- iv) Medical Coverage:**
Prisoners receive adequate medical care, with each jail staffed by medical officers and paramedics. Specialists visit regularly, and drug users and mentally challenged prisoners are housed separately. Screening for infectious diseases like HIV, Hepatitis, and TB is conducted, and affected prisoners receive appropriate care.
- v) Education and Skill Development:**
A partnership with the Higher Education Commission (HEC) and universities provides free education and skill

development for prisoners. Formal and informal education, including religious studies and computer literacy, is available. Vocational courses like tailoring and auto repair are also offered with support from TEVTAs.

vi) Separation of Women Enclosures:

Women prisoners are housed in separate blocks, managed exclusively by female staff.

vii) Juveniles and Children:

Juvenile prisoners are kept in separate areas with facilities for education, games, and medical care. NGOs and philanthropists contribute to the welfare of children, and nurseries are being established for infants with their mothers. Sweet Homes are also planned for these children.

viii) Biometric Systems:

Biometric systems have been introduced in jails with UNODC's assistance, and records are being computerized. An interface between NADRA, Police, and Prisons is in development, alongside the implementation of the Jail Management Information System.

ix) Health and Hygiene:

Efforts are being made to ensure clean drinking water, proper toilet facilities, and adherence to jail manual standards for food. Limited access to small LCDs is allowed.

x) Under Trial Prisoners (UTPs), Parole, and Payment of Fines:

Reforms are being implemented for UTPs and first-time offenders, with improvements in parole and probation systems. Efforts are also being made to pay minor fines (Arsh, Diyat) to facilitate prisoner release, supported by governments and philanthropists.

- xi) Free Legal Aid:**
Free legal aid and counselling are provided, with support from District Bar Councils, lawyers, and provincial governments.
- xii) Monitoring by Wafaqi Mohtasib Secretariat:**
The Wafaqi Mohtasib regularly visits provincial headquarters to meet with officials and review the implementation of reform initiatives.
- xiii) Parole Boards:**
Parole Boards have been established in jails to assess and recommend eligible prisoners for release on parole.

Project of Model Prison in Islamabad

10. The Model Prison in Islamabad, initiated on the direction of the Supreme Court, is being closely monitored by the Federal Shariat Court, Islamabad High Court, and other relevant bodies. Progress on this project is regularly reviewed.

Monitoring Meetings with Stakeholder Agencies

11. The Wafaqi Mohtasib chairs regular meetings in all provincial capitals, alongside the Chief Secretary and other officials, to monitor the implementation of the prison reform recommendations. During these meetings, directions are issued to address any bottlenecks and improve the conditions of prisoners across Pakistan.

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36- Constitution Avenue, G-5/2, Islamabad