

ABUSE OF JUVENILES BY THE FAISALABAD POLICE



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More information about the Clinic is available at <http://www.law.yale.edu/intellectuallife/lowensteinclinic.htm>.

ABUSE OF JUVENILES BY THE FAISALABAD POLICE

A FOLLOW-UP REPORT TO
*POLICING AS TORTURE: A REPORT ON SYSTEMATIC BRUTALITY
AND TORTURE BY THE POLICE IN FAISALABAD, PAKISTAN*

Justice Project Pakistan

Allard K. Lowenstein International Human Rights Clinic
Yale Law School

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**ALLARD K. LOWENSTEIN
INTERNATIONAL HUMAN RIGHTS
CLINIC
YALE LAW SCHOOL**

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This report would not have been possible without the courage of those who spoke up for people who could not speak for themselves.

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GLOSSARY

Charpoi – A traditional woven bed.

Chittar – A leather strap, about a meter long, used to whip victims. The *chittar* causes severe bruising, lacerations, and lasting scars.

Danda – A thick wooden stick routinely carried by police officers and used to beat victims.

Dolli – A technique in which perpetrators tie one of the victim's wrists to his opposite foot. The perpetrators then hang a one- or two-kilogram weight around the victim's neck and make him walk or run long distances.

Falaka/Falanga – Perpetrators beat the soles of the victim's feet with a wooden stick. Because feet have a large number of nerve endings, this torture method can be particularly painful. *Falaka/falanga* can produce chronic pain and making walking difficult.¹ The method is often used because it leaves few scars and is thus difficult to detect.

Manji – There are two types of *manji*:

1. Perpetrators put the victim on a bed (*manji*) with his legs tied to one end, then place a second bed on top of the victim. They stretch the victim's arms over the top of the second bed and tie his hands to his feet.
2. Perpetrators tie the victim's right arm and leg to the *manji* and his left arm and leg to a second parallel *manji*, leaving his body suspended in the middle. They pull the two *manji* apart, stretching the victim's body and forcing his joints to sustain the entire weight of his body.

Roola/Roller – Perpetrators make the victim lie down, facing up, and place a *roola*—a long, thick bamboo or wooden rod—on top of him. A perpetrator sits or stands on either side of the rod to weigh it down. Two other perpetrators push or pull the rod over the victim's body, crushing him. The heavy pressure caused by men sitting on the rod causes extreme pain. It is particularly painful on the thighs. The method can cause lasting harm, including limiting victims' ability to walk for years after the torture and limiting a man's ability to have sexual intercourse.

Strappado – Perpetrators tie the hands of the victim behind his back. They tie a rope around his wrists and suspend him, hanging above the floor. *Strappado* can cause both arms to dislocate. Perpetrators sometimes add weights to the victim's body to intensify the effect and increase the pain.

I. INTRODUCTION

Police brutality and torture are common features of policing in the Faisalabad District of Pakistan, and children are not exempt from this abuse. Evidence shows that Faisalabad police have arrested—often on the basis of false allegations—those as young as twelve and have used disproportionate force during arrests, engaged in extortion, and relied on torture as a principal means of interrogation. When children and their families complained about the abuse, they were met with silence or retaliation. The government’s failure to address these problems adequately has resulted not only in officers’ impunity for their abuses of children, but also in diminished public faith in the police force.

This report is part of a series produced by Justice Project Pakistan (JPP) and the Allard K. Lowenstein International Human Rights Clinic at Yale Law School (Lowenstein Clinic), documenting wide-scale abuse and torture by the police in Faisalabad. These reports are based on 1,867 Medico-Legal Certificates (MLCs) that JPP examined, as well as interviews that JPP conducted with individual victims identified in the MLCs. The MLCs are medical records that government-sponsored physicians completed after individuals filed official complaints of police abuse with local magistrates. The physicians conducted medical evaluations of the individuals based on the complaints and documented signs of physical and psychological abuse. In 1,424 of the 1,867 cases, physicians found medical evidence confirming the alleged abuses. JPP interviewed individuals identified in the MLCs to supplement the data and to provide a more comprehensive narrative of the victims’ experiences. In preparing these reports, JPP and the Lowenstein Clinic have sought to protect the identities—and, therefore, the safety—of interviewees by changing their names and withholding other identifying information.

The series’ first report, *Policing as Torture: A Report on Systematic Brutality and Torture by the Police in Faisalabad, Pakistan*, provided an overview of the documented abuse. The report explained that Faisalabad police abused or tortured at least 1,424 individuals from 2006 to 2012. The police used various forms of brutality, including beating victims, suspending victims in various painful ways, sexually abusing victims, and putting victims in solitary confinement.

This report focuses on children, who are especially vulnerable to abuse. Although anyone is at risk of police brutality and torture, children—defined as those under the age of eighteen²—can be especially easy targets for the police because they are young, often small, and unaware of their rights. According to the data, 58 of the 1,424 individuals abused by the Faisalabad police were children. Because children often do not report police brutality, the actual number of victims is likely higher. According to the data, police assaulted children in much the same way they assaulted adults, thereby disregarding the special protective measures that Pakistani and international law affords children. As they did with adults, police frequently arrested children for no cause, physically and psychologically abused them, and denied them access to medical care and contact with their families or legal assistance. The incidents documented in this report constitute cruel, inhuman, or degrading treatment. In many cases, the abuse constituted torture. Torture is illegal under all circumstances, but this report details instances that are especially troubling because they highlight the gross and arbitrary misuse of police power against some of the most vulnerable people in society.

II. EVIDENCE OF POLICE BRUTALITY AND TORTURE

The medical records and the interviews with victims provide strong evidence that Faisalabad police abused and tortured children, some as young as twelve, from 2006 to 2012. Faisalabad police subjected children to many of the same types of violence as adults³ but culturally and sexually humiliated children more frequently than adults. Although the number of documented cases of police abuses of children is low compared to the total number of cases of police abuse in Faisalabad, the lower number does not diminish the severity of the problem of police abuse of juveniles. During interviews with JPP, children and families reported that they had been reluctant to lodge complaints against the police. This suggests that there are likely others who decided not to file complaints and that the actual number of children abused by the police in Faisalabad is higher than the number documented. Even among the children and their families who decided to report the abuses that they suffered and to complete an MLC, many were reluctant to speak with JPP and to confirm the allegations they had made for their medical evaluations. Many of those who agreed to interviews reported fearing reprisals from the police as well as trauma from reliving their painful experiences.

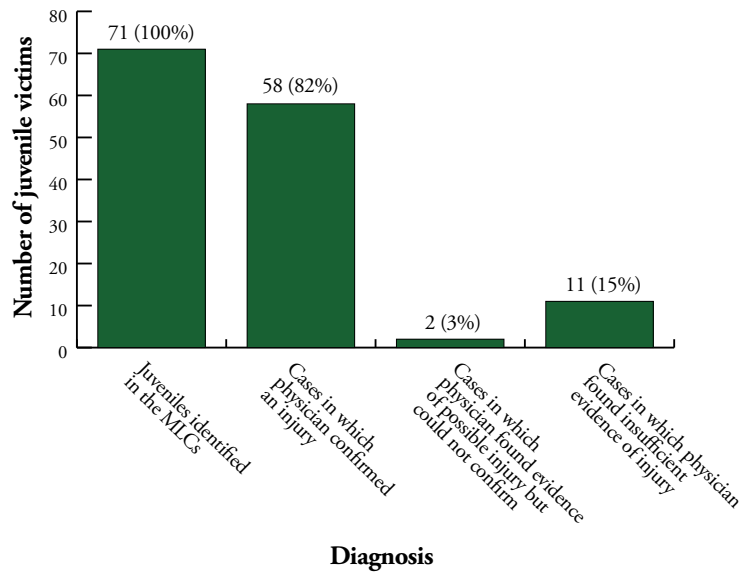
A. The Data

Of the 1,867 individuals identified in the MLCs, 1,424 showed signs of police brutality or torture. Of these 1,424 victims, 58 individuals, or 4%, were juveniles. Two additional juveniles may have suffered abuse as well; in these two cases, the examining physician was unable to confirm the abuse without additional testing. Table 1 and Figure 1 below summarize these findings.

Table 1: Assessment of Injuries by Government-Appointed Medical Board

	<i>Adult victims</i>	<i>Juvenile victims</i>
Individuals in the sample. Each individual alleged mistreatment sometime between 2006 to 2012	1,796 (100%)	71 (100%)
Cases in which the physician confirmed an injury	1,366 (76%)	58 (82%)
Cases in which the physician found evidence of a possible injury but could not confirm the injury (e.g., additional testing was necessary)	94 (5%)	2 (3%)
Cases in which the physician found insufficient evidence of an injury	336 (19%)	11 (15%)

Figure 1: Juveniles Diagnosed by Government-Appointed Medical Board



The data from the MLCs indicate that the police abused juveniles and adults using similar methods. The Faisalabad police did not, however, subject juveniles to sleep deprivation, light deprivation, confinement to small spaces, or exposure to extreme temperatures, methods that were documented in a number of adult cases. The dominant method police used to abuse juveniles was severe beating. Severe beating by the police included banging the victim against something; burning, dragging, kicking, punching, or slapping the victim; or using a *chittar*, *danda*, *falakalfalanga*, blade, dagger, *dolli*, firearm, knife, pointed object, axe, nail, or butt of a gun to beat the victim. As shown in Table 2 and Figure 2 below, abused juveniles and adults suffered from severe beating in similar proportions (79% and 85%, respectively).

Table 2: Types of Violence by Age

<i>Types of injury</i>	<i>Adult victims</i>	<i>Juvenile victims</i>
Any confirmed injury	1,366 (100%)	58 (100%)
Severe Beating	1,155 (85%)	46 (79%)
Suspension	139 (10%)	4 (7%)
Stretching and crushing	32 (2%)	2 (3%)
Witnessing other people's torture	443 (32%)	21 (36%)
Sleep deprivation	15 (1%)	0 (0%)
Solitary confinement	59 (4%)	2 (3%)
Light deprivation, confinement to small spaces, or exposure to extreme temperatures	10 (1%)	0 (0%)
Cultural humiliation	403 (30%)	23 (40%)
Sexual violence amounting to penetration	9 (1%)	1 (2%)
Sexual violence not amounting to penetration	105 (8%)	9 (16%)

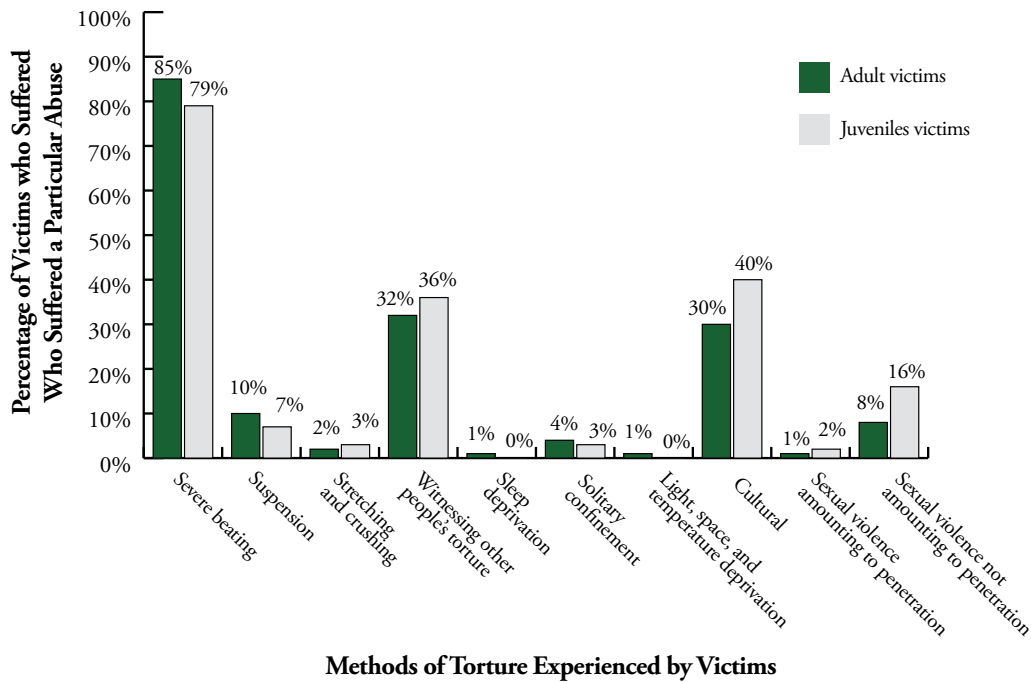
Note: Percentages in parenthesis represent the portion of all confirmed victims who suffered that method of torture. Many victims suffered from multiple methods of torture. So one victim might appear in more than one row of Table 2.

As Table 2 and Figure 2 demonstrate, however, Faisalabad police were more likely to subject juveniles to sexual violence. The rate of sexual violence, including cases of penetration and cases without penetration, for juvenile victims was double the rate for the adult victim population. A total of 18% of juvenile victims suffered from sexual violence, compared to 9% of adult victims.

B. The Interviews

The interviews further illuminate how Faisalabad police tortured and abused children. In many of the cases, the children were innocent, and the police based their arrests on false allegations. Police often did so because someone had bribed them. As the interviews also showed, children were not the only victims of the abuse. Their families suffered as well, having to take out loans to pay their children's bail, experiencing mental and verbal abuse and, in some cases, being physically beaten. None of the children with whom JPP spoke provided details of sexual abuse or cultural humiliation; even children whose MLCs documented such abuse did not provide further details.

Figure 2: Types of Abuse Suffered by Age of the Victim



Note: Many victims experienced more than one form of torture. As a result, victims may appear in multiple columns, so the percentages do not total 100%.

Several children mentioned or discussed, in general terms, forced nudity and feeling embarrassed, but they did not elaborate much further. None discussed being raped or being subjected to other types of sexual abuse at the hands of the police. Social and cultural factors, such as the stigma attached to being raped, may have inhibited children from speaking about such violations.

The number of children JPP was able to interview was limited, often because families were protective of the children and feared further police violence. As a result, some of the narratives described below are from victims who were eighteen years old at the time of abuse. These victims, although technically not children under Pakistani and international law, illustrate the abuses against young people that the MLCs document. These narratives are marked with asterisks.

BILAL

Faisalabad police arrested and tortured Bilal and stole his family's cattle—the family's main food source—in order to pressure Bilal to give a false confession. Bilal's young age and his family's poor socioeconomic status made him, like many other young victims, doubly vulnerable.

Faisalabad police tortured seventeen-year-old Bilal, who is from a poor family, after breaking into his home and claiming that an alleged robbery had taken place there. Late one night, a group of police officers banged on the door of his family's home, demanding to be let inside. At the time, Bilal was home with his mother and sister. Before any of them could answer, the police broke in and informed them that there had been a robbery at their house. Bilal and his family explained to the police that this was not true and that they had reported no such incident. The police ignored them and started searching the house and Bilal's mother and sister. The male officers cursed at Bilal's mother when she protested what they were doing. They took Bilal to a police post, where they illegally detained him in a small room until the following morning.

Bilal explained to JPP that five or six officers “tortured me brutally for hours,” using a variety of methods. They stripped him nude and subjected him to the *strappado* for 30 to 45 minutes by hanging him by his wrists with rope attached to a hook hung from bars along the ceiling. Bilal said, “I was barely conscious. When they untied me, I fell on the ground directly on my face and my nose broke. I was knocked unconscious, but they revived me with water. They then tied my hands and legs together using handcuffs.”

The abuse continued throughout the night, and Bilal reported that he was in “excruciating pain.” The police beat him with a baton all over his body. Bilal elaborated, “At some point, they also pulled out my tooth, and when I screamed in pain, one of them hit me at the back of my neck with the bottom of their foot, and that's when I vomited blood. They also broke three of my fingers.” He explained that police eventually, “realized I was very

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badly injured and took me to a medical store. There they gave me some injections, but I have no idea what, and took me back [to the police post].” Two or three officers were always with Bilal; he was never left alone in the room.

The police released Bilal only after beating him “to a pulp” and telling his father to come and collect him from the police post. Bilal's father refused to do so and told the police that if Bilal

died in their custody, the father would “come after them and [be] sure that they are tried for murder.” The police eventually returned Bilal to his house. Bilal said, “When [the police] were taking me back to the house, they manhandled me and threw me into their pickup truck and just dumped me on the corner outside my house and sped off.”

At the time of Bilal's interview with JPP, he still had “no idea” why the Faisalabad police detained him. They never filed a First Information Report⁴ or asked for a bribe in return for his release. He explained to JPP, “The

entire time that they tortured me, they kept referring to ‘my men’ and how my men had committed some theft and insisting that I was hiding them.” The police asked no questions other than those regarding the whereabouts of Bilal’s “men.” The police threatened to file a false First Information Report against his mother’s brother if Bilal “did not start talking.” Bilal reported that the police further tried pressuring him by going to his home and stealing some of his family’s cattle, knowing that the family relied on the cattle for their subsistence.

After the incident, Bilal felt that his reputation had been damaged, and he continued to fear that the police would detain and torture him again. He said that he had “lost a bit of respect in the community,” and he and his family remained “very wary of the police.” His injuries took a month and a half to heal. When Bilal spoke with JPP six or seven years after his abuse, he reported that he continued to feel pain from the injury on the back of his neck that the police had inflicted.

After Bilal’s detention and torture, the police “begged” and “hounded” him to forgive them. As a result, Bilal, rather than file a complaint against the police, tried to “let it go” and move past the experience. Bilal and his family were willing to share their story with JPP only after being reassured that they were not endangering themselves and that their story would help efforts to begin to hold the police accountable for their abuse of power.

TARIQ

Like Bilal, Tariq came from a poor family that needed to take out loans to pay for Tariq’s bail. At the time of the interview, the family continued to suffer from the financial burden of repaying these loans. The pain and disabilities that Tariq continued to suffer as a result of police abuse exacerbated these financial hardships because he remained unable to work.

Tariq was seventeen years old when Faisalabad police detained and tortured him and three of his friends for a month and a half after an altercation between the boys and their co-worker. During the altercation, the boys had pushed the co-worker, who felt insulted. In revenge, he bribed the police to bring false murder charges against them. The evening of the altercation, police came to Tariq’s house to arrest him and his friends. They slapped the boys during the ride to the police station but did not say much. Tariq did not realize until they arrived at the station that the police wanted the boys to confess to a false murder charge.

**“They constantly abused me—
morning, noon, and night.”**

Once at the station, Tariq said the police “tortured us severely in every manner possible.” Tariq explained to JPP, “They constantly abused me—morning, noon, and night.” He said that the abuse continued every day for a month and a half. The police often tortured the boys together. They sometimes tied the boys up with ropes on a *charpoi*, a traditional woven bed, and beat them with a *danda*, *chittar*, and *roola*/roller. Other times, the police stripped the boys naked and tied them upside down against a wall in the courtyard.

The police also verbally abused Tariq and threatened to kill him if he did not confess to the crime. Tariq recalled one incident, in particular, when the police tortured him and two of his three friends: “They had already tortured Ibrahim before us, and while we were being abused, they would bring Ibrahim, who was in a terrible state, and made him convince us to confess.” Tariq told JPP, “At one point, they also took us to a secluded spot and asked us to run away, saying that they would not do anything to me. But I realized that if we started running, they would shoot us and later claim that we had been fleeing.”

Tariq and his friends had little relief during their detention. Tariq explained, “We would not sleep, but we would pass out from the pain.” He said, “We weren’t given any food but were given painkillers to keep us quiet.” When the boys were able to rest, they had to sleep on the floor of the lockup room with no blankets.

The police released Tariq after his family paid them almost 500,000 rupees, but the hardship did not end. At the time of his interview, Tariq’s injuries had not healed, and he suffered from chronic pain: “I still feel pain. I cannot use my arms properly, and I still have pain in my shoulder and back. It hurt so much that Ibrahim, the other prisoner tortured with me, started abusing drugs after the experience.” As a result of the pain in his arms, Tariq remained unable to work. Tariq’s family, which is poor, had to take loans from various people to pay for his release. Tariq told JPP that the family was “drowning in debt” and “constantly under financial pressure.” They found it “difficult to pay for day-to-day expenses,” and Tariq has had to “work non-stop to support [his] family.” Tariq has been unable to obtain redress for the abuse. He filed a complaint, but as he explained to JPP, “Nothing positive happened. In fact, we were further beaten by the police.” Tariq told JPP that he felt “the system is too corrupt for anything to be done” to prevent police brutality and torture.

AATIF*

Someone from a neighboring village falsely accused Aatif of committing murder. Based on this false accusation, police tortured Aatif every night for a month. Aatif’s story is like that of many of the victims, with no legitimate cause behind the arrests. Police have fabricated charges and arrested individuals simply because of village feuds and bribery. Victims feel hopeless in the face of rampant corruption within the police force and wonder if there is any room for reform.

After arresting Aatif in connection with the murder of a man from a neighboring village, the police detained him and tortured him every night for a month. According to Aatif, the people from the two villages are “sworn enemies,” and those from the other village “often bribe police officers to make them arrest us and to persecute us without cause.” As a result of this long-standing feud, someone from the other village filed a false First Information Report stating that Aatif had committed the murder, prompting the police to ask Aatif to report to the police station to assist with the investigation. Aatif, who was 18 years old at the time, complied and reported to the station several times with family members and village elders. On the last visit, the police arrested him.

The police demanded that Aatif give them details about the murder. Aatif recounted to JPP, “I told [the police] I was innocent and that I knew why they were doing this—to extort money from me—and that I knew that they had taken money from the opposing party and that is why they had kept us here.” The police ignored him and held him, with about fifteen other men, in a lockup that was ten feet by ten feet and was meant for only four people.

Every night for a month, the police moved Aatif from the lockup to a small room, where they tortured and interrogated him until dawn. Aatif explained to JPP, “They used to tie me up with ropes and hooks and hung [me] from the roof. Then they used to hit me with a *danda, chittar*, and the butt of a gun.” He said, “They tied me [to a] chair and hit the soles of my feet using a baton, which resulted in my feet becoming badly swollen. I could not walk properly.” Faisalabad police also slapped and verbally abused Aatif and threatened to kill him if he did not confess to the murder. Aatif told JPP, “It was terribly painful, my entire body hurt, and for the time I was there I couldn’t walk. I couldn’t even get up to go to the toilet by myself.”

Each morning after torturing him throughout the night, the police returned Aatif to the lockup. Aatif was unable to rest during this time, because he “was taken every night for torture and was severely tortured [and] therefore couldn’t sleep.” His family tried to bring him food, but the police took it and gave him only the leftovers. Finally, after one month of detention and torture, the police charged Aatif with robbery—a charge that Aatif insisted to JPP is false—and released him on bail.

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When JPP interviewed Aatif in 2013, several years after the incident, his injuries had not yet fully healed, and he and his family “constantly live[d] in fear of the police.” Aatif could not use his left arm properly, because it had become deformed and the pain persisted. This injury prevented him from working. He and his siblings used to attend school but stopped after his arrest because “the family is scared that something will happen.” Aatif and his family filed a petition against the police but did not obtain any relief. Aatif doubted that he would ever obtain redress, explaining to JPP that “[n]othing can be done, as the system is too corrupt.”

FAROOQ

Farooq said that police arrested him after his neighbor used connections with the police force to bring a false robbery charge against him. The neighbor continued using these connections to delay Farooq’s release. Farooq continued to live in fear because he had seen how easily the police can abuse their power.

The police arrested Farooq for robbery, but Farooq believed that the true reason behind his arrest was a dispute he had with his neighbor, whose relative was an officer. One day, when he was 17 years old, Farooq was standing on a street corner in his neighborhood when his neighbor ordered him to leave. Because the street corner was public space and not the neighbor’s personal property, Farooq refused and asked what right the neighbor had to order him to move. Farooq related to JPP, “This infuriated him, and he started beating me right there and then. He then called other friends of his, and they all started beating me up.” Nearly two weeks later, the police raided Farooq’s house and arrested him on allegations of robbery. Farooq knew that his neighbor’s relative was an officer and expected, even before the arrest, that the neighbor would use his connections with the police force to retaliate against Farooq. Farooq insisted to JPP that he is innocent and that there was no evidence of the alleged robbery.

The police kept Farooq in custody at the police station for two weeks and abused him throughout the period. They hung him upside down and beat him with a *danda* and *chittar*. On some occasions, Farooq's neighbors sat outside the cell and watched while the police beat him. Farooq had to witness the police abusing others as well.

“Many times, I saw small children being beaten by the police. It always brought tears to my eyes.”

“Many times, I saw small children being beaten by the police. It always brought tears to my eyes.” He found it difficult to sleep, because he was “very upset” about his family and the emotional distress they were suffering.

Farooq's father had to negotiate repeatedly with the neighbor and police before the police would release Farooq. The police initially released Farooq on bail but then “canceled” the bail and transferred him from the police station to a jail, where he spent another eight to ten days. Farooq's father again approached the police and neighbor. He had to pay money to both of them before the police freed Farooq.

When Farooq spoke with JPP, he maintained his innocence but was fearful of lodging a complaint against the police. His injuries took three or four months to heal. He reported to JPP, “It was terribly painful, and I couldn't even sleep on my bed for a very long time. Since I was beaten with the thick wooden stick on my feet and with [a] broad leather strap on my back, I couldn't even lie down on my bed.” As of 2013, Farooq continued to feel pain during the winter, reminding him of the physical abuse he had endured: “It's still very painful in winter, and sometimes the pain becomes so intense that I can't sleep for the whole night.” The experience crippled Farooq emotionally as well: “I still don't have the confidence to work hard in order to proceed in my life, as I always fear the unknown.” Farooq worried that the incident had a “very detrimental effect” on the family's reputation. Farooq and his family feared that the police “can do anything to us at any time,” and so they have tried to stay quiet and not complain about the abuse.

FAIZA AND ZAHRA*

Police came to the home of sisters Faiza and Zahra to arrest their brother, whom they suspected of stealing, but they abused Faiza, Zahra (who was pregnant at the time), another sister, and their elderly and paralyzed father. The family filed a complaint but withdrew it after pressure from community leaders.

When Faiza was 18 years old, she was home watching television with her sister Zahra and their other sister when they heard a commotion from the corner of their house where their brother's shop was located. Their brother, Yasir, was in his bedroom, while their father, who was old and paralyzed, was lying on a bed in the front yard. As Faiza got up to see what was happening outside, a group of police officers broke into the home, yelling for Yasir. Faiza asked what they wanted. One of the officers told her that someone had informed the police that the family had provided a safe house to some criminals. The officers ordered the family to surrender these criminals, as well as Yasir, who they claimed they wanted for theft.

Yasir, hearing what was happening, locked the door to his room. The police tried to break the door down. Faiza stood against the door and tried to keep the police from entering. She explained to JPP, “I told the policeman that I would never let him arrest my brother for no reason, nor would I allow his hoodlums in uniform to break into and loot my home.” In response, the officer started beating her with a bamboo cane. Faiza continued to resist, but the officer succeeded in breaking down the door to Yasir’s room.

At the same time, other officers beat Faiza’s sisters and father and started breaking objects in the house. These officers pinned the sisters to the ground and beat them with bamboo canes and rifle stocks. Zahra told JPP: “I was pregnant so was in no position to fight back, but still they did not spare me. One of them shot at me, and my left thumb was almost completely cut off. It was dangling from my hand like bunting, and blood was pouring out of it like a fountain.” Faiza recalled, “My old father, who was paralyzed and lying on a bed, loudly protested about the dishonor we ladies were undergoing. The police beat him into silence as well.”

The officers surrounded and barricaded the house; officers stood on the roof, in front of the house, and in all of the rooms. When a woman from the neighborhood heard the family’s cries and tried to come to the house to help, the police beat her and injured her arm. Onlookers gathered on the street, but the police fired shots into the air to scare the other villagers and to keep them from getting closer.

After the officers broke down the door to Yasir’s room, they dragged him out and threw him into a police van. According to Zahra, they kept him in police custody for five days and tortured him. They found no evidence that he had committed a crime, and they released him.

The entire family was exonerated from the false allegations, and they registered a First Information Report against the officers for their mistreatment. The officers approached the family and begged for forgiveness. The family told JPP, “They sent some delegations of honorable men from the area to persuade us to pardon the police. At first, we were determined not to let them off” The family relented after these delegations visited them, however, and withdrew their complaint.

“I was pregnant so was in no position to fight back, but still they did not spare me.”

A doctor had to reattach Zahra’s thumb, which needed eighteen stitches. Fifteen days after the incident, Zahra gave birth to her child. Although there were no complications during the labor, Zahra described feeling faint and weak after the abuse and being “really in a bad way.” It took months for her wounded thumb to heal. When Zahra was interviewed in 2013, she reported that her hand and rib cage still ached occasionally.

III. LEGAL STANDARDS

Pakistan is obligated under both international and domestic law to prohibit police brutality and torture. Pakistan has ratified the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment⁵ and the International Covenant on Civil and Political Rights,⁶ both of which forbid torture and cruel, inhuman, or degrading treatment.⁷ The two treaties also commit state parties to take effective measures to prevent torture within their borders. The Pakistani Constitution, Penal Code, and Police Order 2002 also prohibit torture and cruel, inhuman, or degrading treatment. Together, these international and domestic legal instruments forbid police from engaging in the types of abuses described above. As discussed in the first report, *Policing as Torture: A Report on Systematic Brutality and Torture by the Police in Faisalabad, Pakistan*, however, those prohibitions have failed to provide effective protection.⁸

Juveniles in Pakistan benefit not only from these general protections, but also from additional protections specific to their age. Pakistan is a party to the Convention on the Rights of the Child (CRC), which sets out the rights of children and defines “children” as “every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.”⁹ When Pakistan ratified the CRC in 1990, it entered a reservation stating that it would interpret the convention’s provisions in accordance with the principles of Islamic laws and values.¹⁰ Pakistan withdrew this reservation in 1997.

The CRC requires state parties to protect children from torture and cruel, inhuman, or degrading treatment.¹¹ States must not subject juveniles to capital punishment or life imprisonment without the possibility of release.¹² States must also ensure that no child is deprived of his or her liberty unlawfully or arbitrarily.¹³ The arrest, detention, or imprisonment of any child must conform to the law and be used “only as a measure of last resort and for the shortest period of time.”¹⁴ States must treat every child deprived of his or her liberty with “humanity and respect for the inherent dignity of the human person” and “in a manner that takes into account the needs of persons of his or her own age.”¹⁵ In particular, the CRC requires states to separate juvenile detainees from adult detainees unless it is in the child’s best interest not to do so.¹⁶ States must also allow juveniles to maintain contact with their families.¹⁷ Children have rights to prompt access to legal assistance, to challenge the legality of the deprivation of their liberty before a court or other “competent, independent and impartial authority,” and to a prompt decision on any such action.¹⁸ Furthermore, child victims of torture and cruel, inhuman, or degrading treatment or punishment have the right under the convention to receive rehabilitation and reintegration. This recovery and reintegration must take place in an environment that “fosters the health, self-respect and dignity of the child.”¹⁹

State parties to the CRC also have an obligation to protect children “alleged as, accused of, or recognized as having infringed the penal law.”²⁰ Article 40 provides:

State Parties recognize the right of every [such] child . . . to be treated in a manner consistent with the promotion of the child’s sense of dignity and worth, which reinforces the child’s respect for the human rights and fundamental freedoms of others and which takes into account the child’s age and the desirability of promoting the child’s reintegration and the child’s assuming a constructive role in society.²¹

Article 40 requires each state to provide such children, at minimum, with several key legal guarantees. For example, children are to be presumed innocent until proven guilty;²² to be informed “promptly and directly” of the charges against them;²³ to have “legal or other appropriate assistance” to prepare and present their defense;²⁴ to have the matter determined without delay “by a competent, independent, and impartial authority or judicial body” in a fair hearing;²⁵ and “not to be compelled to give testimony or to confess guilt.”²⁶ The CRC, beyond requiring states to ensure these specific protections to children who become caught up in the penal system, imposes obligations on states to take measures “to promote the establishment of laws, procedures, authorities and institutions” relating to juvenile justice.²⁷ In particular, they must set a minimum age of criminal responsibility,²⁸ implement “measures for dealing with such children [who have infringed the penal code] without resorting to judicial proceedings,”²⁹ and provide “a variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care.”³⁰

Several other international guidelines, although not legally binding, provide authoritative standards for the treatment of juvenile offenders: the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the “Beijing Rules”),³¹ the United Nations Guidelines for the Prevention of Juvenile Delinquency (the “Riyadh Guidelines”),³² and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the “Havana Rules”).³³ These guidelines reiterate many of the provisions codified in the CRC.³⁴

In particular, these guidelines emphasize that states should establish rehabilitative, not punitive, juvenile justice systems because children, by virtue of their age, have special needs. According to the Beijing Rules, these “special needs” require states to provide juveniles in custody with “care, protection and all necessary individual assistance—social, educational, vocational, psychological, medical and physical—that [juveniles] may require in view of their age, sex and personality.”³⁵ The Beijing Rules enjoin states, more generally, to design laws relating to juveniles in ways that meet the “varying needs of juvenile offenders, while protecting their basic rights.”³⁶ Similarly, under the Riyadh Guidelines, “[l]aw enforcement and other relevant personnel . . . should be trained to respond to the special needs of young persons and should be familiar with and use, to the maximum extent possible, programmes and referral possibilities for the diversion of young persons from the justice system.”³⁷ The Havana Rules aim to protect juvenile offenders “with a view to counteracting the detrimental effects of all types of detention and to fostering integration in society.”³⁸ According to these Rules, personnel at detention facilities should “respect and protect the human dignity and fundamental human rights of all juveniles.”³⁹ States should also provide juveniles with food and clean drinking water,⁴⁰ adequate medical care,⁴¹ opportunities to pursue work and continue education or vocational training,⁴² access to materials for leisure and recreation, the right to practice their religion,⁴³ and contact with the outside world.⁴⁴

Domestic Pakistani law provides further child-specific protection. Article 25 of the Constitution states that “[a]ll citizens are equal before law and are entitled to equal protection of law”⁴⁵ but that “[n]othing in this Article shall prevent the State from making any special provision for the protection of women and children.”⁴⁶

In 2000, the Pakistani government promulgated the Juvenile Justice System Ordinance (JJSO),⁴⁷ aimed specifically at establishing an independent justice system adapted to children. The JJSO did not repeal other laws, but supplemented them.⁴⁸ In the event of a conflict with another law, the JJSO overrides that law, except in relation

to *hadd* offenses—offenses mentioned in the Quran for which the Sharia provides fixed punishments—and cases in special courts dealing with drug and terrorism offenses.⁴⁹

The JJSO contains specific protections for children who have been arrested. Under the ordinance, any child who is a victim of or accused of an offense is entitled to legal assistance, at the expense of the Pakistani government, provided by a “legal practitioner [with] at least five years standing at the Bar.”⁵⁰ Provincial governments—as well as the federal government, according to an amendment in 2012—are required to establish juvenile courts.⁵¹ These courts have exclusive jurisdiction to try cases in which a child is accused of committing an offense.⁵² They must decide cases within four months of “taking cognizance of an offence.”⁵³ Juvenile courts must obtain medical care, at the government’s expense, for detained children the courts find to be suffering from serious illness and needing treatment.⁵⁴ Under the JJSO, these courts may, if they think fit, order a child offender to be sent to a Borstal institution, defined as “a place where child offenders may be detained and given education and training for their mental, moral and psychological development.”⁵⁵ Finally, the JJSO provides that no child may be “[a]warded punishment of death”⁵⁶ or be “[h]andcuffed, put in fetters or given any corporal punishment at any time while in custody.”⁵⁷

More than twenty years have passed since Pakistan ratified the CRC, but legal gaps and a lack of enforcement of the convention persist. Also, the government has failed to clearly define torture in relevant national laws and has a narrow conception of torture that considers only physical, but not psychological, abuse. Moreover, inconsistencies exist in the definition of a child in federal, provincial, and territorial law and between secular and sharia law.⁵⁸ As the UN Committee on the Rights of Child, the body established by the CRC to monitor states’ compliance, has noted, the age of criminal responsibility in Pakistan is too low,⁵⁹ but the Pakistani government has refused to raise it above seven. The JJSO states that no one under the age of eighteen can be sentenced to death, but because the provisions in the ordinance are “in addition to and not in derogation of, any other law for the time in force,”⁶⁰ children are still subject to the death penalty under other laws. As this report documents, despite various legal protections of children’s rights, children remain vulnerable to police brutality and torture.

IV. CONCLUSION

The abuses described in this report are not the actions of a few rogue officers. They are examples of a culture of violence that pervades the Faisalabad police force. In 1990, Pakistan ratified the Convention on the Rights of the Child, which provides unequivocally that no child may be subjected to torture or cruel, inhuman, or degrading treatment. However, this provision is ineffective without both clearer standards governing police abuse and rigorous enforcement. As the MLCs and interviews show, the Pakistani government has failed to meet its obligation to protect children from abuse committed by its own police. As a result, Faisalabad police continue to ignore the special protections that international and Pakistani law guarantee to juveniles. This report is a call for the government to acknowledge and to investigate the many reports of police brutality, including torture, to bring offending officers to justice, and to prevent future abuse.

ENDNOTES

- ¹ U.N. Office of the High Commissioner for Human Rights, Istanbul Protocol Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, at 39, U.N. Doc. HR/P/PT/8/Rev.1, U.N. Sales No. E.04.XIV.3 (2004) [hereinafter Istanbul Protocol].
- ² Unless otherwise noted, “juvenile,” “child,” and “minor” are used interchangeably in this report to refer to anyone under the age of eighteen.
- ³ See *Policing as Torture: Systematic Brutality and Torture by the Pakistani Police in Faisalabad*, JUSTICE PROJECT PAKISTAN & ALLARD K. LOWENSTEIN INTERNATIONAL HUMAN RIGHTS CLINIC 4-11 (2014) [hereinafter *Policing as Torture*].
- ⁴ First Information Reports are written complaints prepared by police after they receive information alleging the commission of a crime.
- ⁵ Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984, 1465 U.N.T.S. 85 [hereinafter CAT].
- ⁶ International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171 [hereinafter ICCPR].
- ⁷ Article 1 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment defines torture as:
- Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.
- Article 7 of the International Covenant on Civil and Political Rights, provides:
- No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.
- ⁸ For further information on the legal standards, both domestic and international, see *Policing as Torture*, at 23-27.
- ⁹ Convention on the Rights of the Child, G.A. Res. 25, U.N. GAOR, 44th Sess., Annex, Agenda Item 108, at 170, U.N. Doc. A/RES/44/25 (1989), art. 1 [hereinafter CRC].
- ¹⁰ Multilateral Treaties Deposited with the Secretary General at 206, U.N. Doc. ST/LEG/SER.E/14, U.N. Sales No. E.96.V.5 (1996).

¹¹ CRC, art. 37(a).

¹² *Ibid.*

¹³ *Ibid.* at art. 37(b).

¹⁴ *Ibid.*

¹⁵ *Ibid.* at art. 37(c).

¹⁶ *Ibid.*

¹⁷ *Ibid.*

¹⁸ *Ibid.* at art. 37(d).

¹⁹ *Ibid.* at art. 39.

²⁰ *Ibid.* at art. 40(1).

²¹ *Ibid.*

²² *Ibid.* at art. 40(2)(b)(i).

²³ *Ibid.* at art. 40(2)(b)(ii).

²⁴ *Ibid.*

²⁵ *Ibid.* at art. 40(2)(b)(iii).

²⁶ *Ibid.* at art. 40(2)(b)(iv).

²⁷ *Ibid.* at art. 40(3).

²⁸ *Ibid.* at art. 40(3)(a).

²⁹ *Ibid.* at art. 40(3)(b).

³⁰ *Ibid.*

³¹ United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), G.A. Res. 40/33, Annex, U.N. GAOR, 40th Sess., Supp. No. 53, U.N. Doc. A/40/53/Annex (Nov. 29, 1985) [hereinafter Beijing Rules].

³² United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), G.A. Res. 45/112, Annex, U.N. GAOR, 45th Sess., Supp. No. 49A, U.N. Doc. A/45/49/Annex (Dec. 14, 1990) [hereinafter Riyadh Guidelines].

³³ United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (The Havana Rules), G.A. Res. 45/113, Annex, U.N. GAOR, 45th Sess., Supp. No. 49A, U.N. Doc. A/45/49/Annex (Dec. 14, 1990) [hereinafter Havana Rules].

³⁴For example, like Article 40(3) of the CRC, Article 52 of the Riyadh Guidelines and Rule 2(3) of the Beijing Rules call on states to enact specific laws and procedures to promote and protect the rights and well-being of juvenile offenders. The guidelines, like CRC Article 40, set forth basic procedural safeguards for children, such as the presumption of innocence (Rule 7 of the Beijing Rules and Rule 17 of the Havana Rules), access to counsel (Rule 7 of the Beijing Rules and Rule 18(a) of the Havana Rules), and rights to be notified of charges and to remain silent (Rule 7 of the Beijing Rules). Furthermore, like Article 37 of the CRC, the guidelines emphasize that states should not impose harsh punishments on children (Rule 17 of the Beijing Rules, stating that “states should not subject juveniles to capital or corporal punishment;” Rule 67 of the Havana Rules, reiterating the strict prohibition of disciplinary measures that constitute cruel, inhuman, or degrading treatment and listing, as examples, “corporal punishment, placement in a dark cell, closed or solitary confinement [,] . . . reduction of diet or denial of contact with family members;” and Article 54 of the Riyadh Guidelines, admonishing states not to subject children to “harsh or degrading correction or punishment measures”).

³⁵Beijing Rules, r. 13.5.

³⁶*Ibid.* at r. 2(3)(a).

³⁷Riyadh Guidelines, art. 58.

³⁸Havana Rules, r. 2.

³⁹*Ibid.* at r. 87.

⁴⁰*Ibid.* at r. 37.

⁴¹*Ibid.* at r. 49.

⁴²*Ibid.* at 18(b).

⁴³*Ibid.* at 48.

⁴⁴*Ibid.* at r. 59.

⁴⁵Constitution of the Islamic Republic of Pakistan, art. 25(1).

⁴⁶*Ibid.* at art. 25(3).

⁴⁷Juvenile Justice System Ordinance, Ordinance No. XXII of 2000 [hereinafter JJSO].

⁴⁸JJSO, art. 14.

⁴⁹In 2004, the Lahore High Court struck down the JJSO on the grounds that it was “unreasonable, unconstitutional and impracticable.” *Ahmed v. Federation of Pakistan*, PLD 2005, Lahore 15 (Dec. 6, 2004). The High Court offered several reasons, including that (1) the law prior to the enactment of the JJSO already adequately protected juveniles, (2) the preferential treatment of juveniles violated the constitutional guarantees of equality before the law and equal protection of the law, (3) trying a juvenile separately from adults posed difficulties because juvenile courts and “adult” courts had on occasion reached different conclusions, and (4) the death penalty needed to be retained in order to deter crime. *Id.* In February 2005, the Supreme Court of Pakistan issued an order to restore the JJSO pending its own eventual decision in

the case. *Pakistan: Amnesty International's Comments on the Lahore High Court Judgment of December 2004 Revoking the Juvenile Justice System Ordinance*, AMNESTY INTERNATIONAL, <http://www.amnesty.org/es/library/asset/ASA33/026/2005/es/482b9c27-d4a6-11dd-8a23-d58a49c0d652/asa330262005en.html>. As of the writing of this report, the Supreme Court has not ruled in the case.

⁵⁰ JJSO, art. 3.

⁵¹ *Ibid.* at art. 4(1).

⁵² *Ibid.* at art. 4(3).

⁵³ *Ibid.* at art. 4(6).

⁵⁴ *Ibid.* at art. 6(6).

⁵⁵ *Ibid.* at art. 2(a).

⁵⁶ *Ibid.* at art. 12(a).

⁵⁷ *Ibid.* at art. 12(b).

⁵⁸ Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Concluding Observations: Pakistan, CRC/C/PAK/CO/3-4, Oct. 15, 2009, ¶¶ 6, 26.

⁵⁹ *See ibid.*, ¶¶ 99(a), 100(c); Concluding Observations of the UN Committee on the Rights of the Child: Pakistan, CRC/C/15/Add.217, Oct. 27, 2003 ¶¶ 27, 80.

⁶⁰ JJSO, art. 14.

