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**LACK OF EXCLUSIVE JUVENILE PRISONS: IT'S IMPACT ON THE
WELL-BEING OF JUVENILE INMATES IN KHYBER
PAKHTUNKHWA**

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ABSTRACT

The study has focused on the lack of exclusive prisons and the well-being of the juvenile prisoners in Khyber Pakhtunkhwa (KP), Pakistan. Primary data has been collected from the selected prisons of KP i.e., Dera Ismail Khan, Manshara, Peshawar, Mardan and Swabi prisons. The simple random sampling technique has been used for collecting the primary data. The data was gathered from a total of 132 juvenile prisoners through structured interview schedule developed with the guidelines of Sekaran (2003) table of sample size. As majority of the juvenile prisoners were well educated and mature, a face to face interview was conducted. The primary data was analysed through SPSS and a statistical Chi-square test was applied to find out an association between the independent variable i.e., exclusive prisons and that of the dependent variable i.e., well-being of juveniles. The results of the data being analysed disclosed a highly significant ($p=0.000$) association between the harsh punishments of juveniles at the jail and their well-being. A highly significant ($p=0.000$) association was found in the juveniles being fearful of the jail staff. Additionally, a significant ($p=0.005$) association was found with juveniles being prey to the ill-manners of jail staff and of the overcrowded environment in jail which increases disharmony among juvenile inmates. The findings of the study recommend that the government of KP still needs

to seriously work on the proper application of the JJSO-2000 and establish exclusive prisons for the juvenile prisoners. The government needs to take positive steps for the capacity building trainings of jail staff across KP so that they behave in an educated and ethical manner with the juvenile prisoners.

Keywords: Juvenile Prisoners, Exclusive Prisons for Juvenile, Well-being of Juveniles and Role of Government

1. INTRODUCTION:

The word ‘crime’ can be defined as an omission or negative act which is forbidden by the state. In other words, it can be any type of behaviour which the society does not accept and considers it illegal is called crime. Simply, Laub & Sampson [1] have defined crime as the violation of the existing law of the country. In last decade of twentieth century, several well-known criminologists like Sampson & Laub [2] and Gottfredson & Hirschi [3] noted, that if someone wants to understand crime he/she must focus on the diverse kinds of crimes, must study the behaviour of different criminals and must not focus only on one type of crime. For example, getting a sense of the commonalities and causes behind different criminal activities like murder, robbery, embezzlement, burglary, heroin and rape etc., are the most important. Most of the historical studies on criminal activities have been focused on the legal rather than behavioural attributes. Mostly criminal acts entail the use of power, stealth, and fraud to get resources by force. As noted by Gottfredson and Hirschi [3], criminality depicts strategic

behaviour shown through self-centeredness, apathy to the distress and needs of others, and lack of control. Studies have shown that individuals with impulsive personalities find pleasure and satisfaction in the criminal style of living through easy strategies. These risky and seemingly thrilling strategies end up causing pain and distress for victims. To Gottfredson and Hirschi [3], this means that “within-person causes of truancy are the same as the within-person causes of drug use, aggravated assault, and auto accidents.” Criminality, therefore, has a problematic relationship with legal crimes.

Social problems such as poverty and low education levels make personality traits like child development are prone to poor family management in high crime areas. Other factors such as marital conflicts and unemployment may also contribute to a disruption in family life. According to Patterson et. al., [4] (Oregon Social Learning Centre), growing up in a disrupted family is connected to anti-social behaviour in children, of which crime is one type. Child maturity the cause of a lot

of core traits is mainly susceptible to poor family management practices happening from such things as poverty, lack of education and living with criminal people. Patterson et. al., [4] further says that family stress like financial problems, divorce, and domestic violence disturb the family members and especially the children face a more vulnerable situation in these types of cases.

Children facing economic hardships and growing up in a bad environment at home are at a great risk of becoming a part of criminal activities as noted by Werner and Smith [5]. However, this can be avoided if there's a good level of education given to the children and their parents. The significance of risk and protective factors differs according to age, gender, and social environment. As noted by Sampson and Laub [2], "demographic stressors such as poverty, lack of education, high crime's neighbourhood and family stressors such as unemployment, marital conflict, and divorce all tend to influence development by disrupting family management practices".

The term juvenile use for that person whose age is under the age of eighteen years and not so mature or under any age defined by the state where a person lived. The word juvenile is mostly using for that person which is not so mature and indulges in any criminal activity. A person

becomes delinquent when he or she involved in any type of omission which the society not appreciated or consider that action as negative or criminal. Delinquency is an un-appreciated action or pitiable moral behaviour of a juvenile which isn't socially acceptable. It means that if a child does not meet certain social obligations anticipated from them by the society, then he is considered as a delinquent. It's a behavioural disorder which is generally defined as "a child trying or pretending to act like a grown up or adult" [6].

From the year 1990 to 2004, there was 208% increase in the number of juveniles held nationwide in adult jails [7]. According to the statistic, almost 250,000 juveniles are put on trial and sentenced as adults in the US every year [8]. African American and Latino juveniles make up for the major proportion of juveniles being tried as adult prisoners in the adult justice system [9-10]. In California, around 6,500 people are imprisoned in an adult jail for negative acts they did before the age of eighteen years [11]. About 1,000 juveniles on an average are tried in the adult criminal justice system each year in the state of California.

Prosecution of a juvenile in the adult prison system isn't just unproductive but also injurious to the juveniles in search of optimistic and age-appropriate redirection. Putting the juveniles in adult

prisons and isolating them also comes with a risk of suffering from health and mental issues, depression and in some cases even suicide [12]. The effects of convicting juveniles as adult criminals can not only be physically and psychologically detrimental but can also have severe long-term consequences and then most of the juveniles become recidivists [13-14]. Researchers at 1970s indicated that punishing juvenile prisoners in the jails had a negative impact on them. This approach led to higher rates of recidivism in the prisons where these prisoners were punished which prompted the prisons to adopt rehabilitation approach [15].

As per Kazmi et. al., [16], there was a lack of proper training for the wardens and other jail staff about treating juveniles. The wardens and jail staff treated them as criminals, which was negative behaviour. This inappropriate way of treatment with the juveniles in this tender age has an adverse impact on their rehabilitation. The juveniles become more susceptible to getting involved in criminal activities. This rough behaviour from the jail staff also becomes a reason for the juveniles ending up into gangs, indulging in criminal activities once they are out of jail.

According to the United Nations [17], the behaviour towards juveniles at many jails in different countries across the world is negative. The juveniles are beaten

up over small faults; they feel scared and insecure in the jails. This fear of the jail staff leads to tension, anxiety, and frustration. There is an overall adverse effect on the juveniles' well-being due to the beating and severe behaviour of the jail staff. Another prominent reason for the quarrels between the juveniles and the jail staff is overcrowding in the jails which causes serious injuries to the former. The stay of these minors in the juvenile detention vary from few days to much longer periods, with an average duration of residence being 15 days [18].

A juvenile's adolescent life is shaken to the core once they get into the prison as they no longer can see their friend and family, also disrupting their schooling. There are different facilities available in jails such as physical and mental health care centres, educational and recreational facilities. Overcrowding in the jails hinders the availability of these facilities to the juveniles [19].

Any offender under the age of 18 has his/her rights recognized by the Juvenile Justice System Ordinance, 2000 (JJSO, 2000) Pakistan. Juveniles cannot be treated as criminals by the police after the arrest. Their parents or guardians need to be informed, and within 24 hours the offender should be presented to the juvenile court. The juveniles and the adult prisoners should not be kept together in same jails,

instead, the juveniles need to be held in a separate juvenile facility. The juvenile offender should be tried under the JJSO, 2000 [20]. Provisional governments are responsible for the establishment, maintenance, and improvement of the jails [21].

In 1899, Juvenile Justice Act (JJA, 1899) came into existence in the USA, and in the same year the first court of justice for children was established in Illinois United States [22-23]. In the following decades, a strong system of juvenile courts started getting developed across others states in the US with the aim of creating a sense of balance between punishment and protection [24]. The judges of these juvenile courts were acting more like a doctor with an attempt to understand the factors that make teenagers vulnerable to commit a felony or make them wrong choices. In the modern era of juvenile crimes, industrialization and urbanization also play a very important role [25].

About 30% of the juvenile prisoners sent to correctional cells had at least one case of a suicide attempt. About 70% had personally seen someone getting injured or killed and 72 percent said that they “had something very bad or terrible happen to you.” Of those committed in juvenile facilities, 30% were victims of physical or sexual abuse. More than 60% of the juveniles in the survey suffered from anger

management problems [26]. With half of them showing signs of anxiety and the remaining half shows depression symptoms. More than two-third were reported for substance abuse problems and 59% admitting to consuming alcohol or drugs many times each week (or daily) in the months before getting arrested [27].

In the past few years, practitioners, policymakers, and funders have been very involved in budding frameworks to lead funds and have been sustaining development in the well-being for vulnerable juveniles, notably including the federal Administration on Children, Juveniles and Families’ framework on emotional and social well-being as well as efforts ongoing within the Office of Juvenile Justice Delinquency Prevention (OJJDP) [28]. There is an amplified credit that trauma-informed notice to emotional and social well-being provides an immense institution for better appointment constancy and findings of development in other juveniles’ outcomes [29].

2. MATERIAL AND METHODS:

The study focused on the exclusive prisons and the well-being of the juvenile prisoners. The research study was conducted in five prisons of Khyber Pakhtunkhwa, Pakistan i.e. Swabi, Mardan, Peshawar, Mansehra and Dera Ismail Khan. The total juvenile prisoners in all prisons were 199 [30] and as per Sekaran table, 132

juvenile prisoners were interviewed as a sample size [31]. Simple random sampling was used as a technique of sampling procedure and primary data was collected through interview schedule from the juvenile inmates. The structured interview schedule was used keeping in view the lower age of the juveniles. As majority of the juvenile prisoners were not well educated and mature, therefore, a face to face interview was conducted. After the collection of the primary data, it was analysed by using Statistical Package for Social Sciences (SPSS) and Chi-Square test was used to find the association between the independent variable i.e., exclusive prisons and the dependent variable i.e., well-being of juveniles.

The ethical standards for collecting primary data have been properly followed. The researcher was allowed for collecting primary data from the juvenile inmates by the home minister of Khyber Pakhtunkhwa and the Inspector General of Prisons (IGP). After obtaining permission from the IGP, the researcher then took the juvenile prisoners in confidence to provide data on their free will. The juvenile inmates were assured that information collected from them would be used for academic purposes only and that identifiable information would not be shared with anyone. Keeping, in view the available literature, the data collected from the respondents and

personal observation of the researchers, a detailed analysis has been done in this study to identify gaps and assess the impacts of the lack of exclusive juvenile courts in Pakistan.

3. RESULTS AND FINDINGS:

Juvenile prison is a place where the juvenile inmates are kept in custody, and the government provides all the basic facilities to juveniles in juvenile exclusive prisons. Jail life can be quite destructive to adolescents and children's lives [19]. According to Stahl et. al., [32], juveniles in in the USA are sent to a correctional institution (juvenile exclusive prisons) after hearing in court, the judge then declares the result of the hearing in which the sanction is determined. In Pakistan, these correctional institutions (juvenile exclusive prisons) fall under the category of special jails. The provincial government can establish special jails at any time where they want and can declare any existing jail as a special jail [33].

Table No. 01 shows data about the existing situation of the juveniles being kept in the adult prisons. A statement was asked about the juveniles being beaten in adult jails. In response, 77.3 percent (102 out of 132) of the juvenile respondents were agreed with the statement, 22.0 percent (29 out of 132) denied the statement while 0.8 percent (1 out of 132) stated that they don't know whether

juveniles are beaten at the jail or not. Furthermore, statement was asked whether the juveniles are fearful of the jail staff, 94.7 percent (125 out of 132) were agreed and 4.5 percent (06 out of 132) disagreed with the statement while 0.8 percent (01 out of 132) told that they don't know about juveniles if fearful from the jail staff. Moreover, another statement regarding juveniles which are prey to the ill manners of jail staff like shouting, bullying, and beating. The response of juveniles showed that 94.7 percent (125 out of 132) were agreed with the statement while 4.5 percent (06 out of 132) respondents disagreed whereas 0.8 percent (01 out of 132) were of the view that they don't know that jail staff is shouting and beating the juveniles. Asking about whether overcrowding in jail increases the situation of disharmony among juveniles, the data shows that 73.5 percent (97 out of 132) respondents agreed with the statement that overcrowds does produce disharmony in the jail environment. Furthermore, 17.4 percent (23 out of 132) respondents said that they don't know that overcrowd causes disharmony and 9.1 percent (12 out of 132) respondents disagreed with the statement saying that

disharmony is not caused due to overcrowdedness in jails.

According to Auolakh and Khan [33], there are four types of prisons in Pakistan, which are central prisons, sub prisons, district prisons and special prisons. In which the most important prisons for juveniles and women are special prisons which include juvenile exclusive prisons, open prisons, juvenile training centres and women's prisons. The provincial government has the authority to establish special prisons where they want and have the authority to declare any existing prison as a special prison. According to Aziz and Khan [34], there are four types of schools or facilities for juveniles in Pakistan Certified Schools, Industrial Schools, Reformatory Schools and Juvenile Exclusive Prisons. These four types are for male juveniles and for female juvenile prisoners there is no single exclusive prison or School they are kept with adult female prisoners. As published in Dawn [35], there are just four juvenile exclusive prisons for juveniles, which are in Bahawalpur, Karachi, Faisalabad and Khyber Pakhtunkhwa. The Khyber Pakhtunkhwa juvenile exclusive prison is not still in function.

Table No. 01: Situation of Juvenile Inmates in Adult Prisons:

Statement	Agree (%)	Disagree (%)	Don't Know (%)	Total
Juveniles are beaten at adult jail	102 (77.3%)	29 (22.0%)	01 (0.8%)	132 (100)
Juveniles are fearful from the jail staff	125 (94.7%)	06 (4.5%)	01 (0.8%)	132 (100)
Juveniles are prey to ill manners of jail staff like shouting, bullying and beating	125 (94.7%)	06 (4.5%)	01 (0.8%)	132 (100)
Overcrowd in jail increases situation of disharmony among juveniles	97 (73.5%)	12 (9.1%)	23 (17.4%)	132 (100)

Source: Field Survey, 2016. (Note: Values in Parenthesis Indicate Percentage)

Table No. 2: Association between Exclusive Prisons and Well-being of Juveniles

Statement	Well-being of Juveniles			Total	Statistics
	Agree	Disagree	Don't Know		
Juveniles are beaten at jail	Agree	42(31.8)	53(40.2)	07(5.3)	(p=0.000) ($\chi^2=20.772$)
	Disagree	20(15.2)	08(6.1)	01(0.8)	
	Don't	00	00	01(0.8)	
	Total	62(47.0)	61(46.2)	09(6.8)	
Juveniles are fearful from the jail staff	Agree	60(45.5)	59(44.7)	06(4.5)	(p=0.000) ($\chi^2=21.108$)
	Disagree	02(1.5)	02(1.5)	02(1.5)	
	Don't	00	00	01(0.8)	
	Total	62(47.0)	61(46.2)	09(6.8)	
Juveniles are prey to ill manners of jail staff like shouting, bullying and beating	Agree	60(45.5)	58(43.9)	07(5.3)	(p=0.005) ($\chi^2=15.078$)
	Disagree	02(1.5)	03(2.3)	01(0.8)	
	Don't	00	00	01(0.8)	
	Total	62(47.0)	61(46.2)	09(6.8)	
Overcrowd in jail increase disharmony situation among juveniles	Agree	51(38.6)	43(32.6)	03(2.3)	(p=0.000) ($\chi^2=20.403$)
	Disagree	03(2.3)	09(6.8)	00	
	Don't	00	09(6.8)	06(4.5)	
	Total	62(47.0)	61(46.2)	09(6.8)	

Note: The figure in the table denotes frequency while figure in parenthesis denotes percentage. The Symbol (P) represents the significance level and (χ^2) represents the value of Chi square.

The above table-2 shows data about juvenile's exclusive prisons where a highly significant (p=0.000) association was found between juveniles which are beaten at the jail and the well-being of juveniles. The significant association showed that juveniles were beaten at jails by the jail staff. The findings of Gendreau *et al.*, [15] were in the support of the findings of the statement as according to their study, the

punishment approach in the prisons has negative effects on juvenile prisoners. Juveniles were treated very harshly in the jails they were beaten with rubbers, iron rods etc. The findings of Kazmi *et al.*, [16] were also in the support of the findings of the statement, as according to their study, in Pakistani prisons, the wardens and other prisons staff are not well trained to treat the juveniles in a good manner or through an

appropriate way. They treat the juveniles negatively and beating them in prisons, juveniles become compelled to join the adult criminals group and due to the beating and harshly dealing of juveniles then juveniles integrate such thinking increases the probability of them committing crimes again and again. It is assessed from the study findings of the statement that due to this harsh behaviour and beating of juveniles in jails most of the juveniles become deviant and after release from jails they involved in negative activities and joined the adult criminal group also they become recidivist and involved in more crimes.

A highly significant (0.000) association was found between juveniles are fearful from the jail staff and the well-being of juveniles. The significant association shows that juveniles are fearful from the jail staff in the sampled jails. The findings of the United Nations [36] were in the support of the findings of the statement because the juveniles were treated very negatively in jails they were beaten with minor mistakes and if they do not follow the orders of the jail's staff. Due to this, they feel insecure in jails and they were fearful of the jail staff, juveniles were also facing tension, anxiety and frustration and the negative behaviour of jail staff create psychological problems in juveniles. It is concluded from the findings that due to

beating and rude behaviour of jail staff, juveniles were fearful from the jail staff. Due to the harsh behaviour of jail staff mostly juveniles were facing psychological problems.

Moreover, a significant ($p=0.005$) association was found between juveniles are prey to ill manners of the jail staff like shouting, bullying and beating and the well-being of juveniles. The significant association showed that juveniles face the ill and negative manners of jail staff, they also facing the abusive and vulgar language of jail staff. The findings of the United Nations [36] were in the line of the findings of the statement that jail staff did not deal fairly with juveniles they beat juveniles and use vulgar language. Due to negative manners of staff in dealing with juveniles, they feel insecure and frightened from the jail staff. Jail staff also use iron rods for beating juveniles and treating them like animals. From the findings of the statement and discussion, it is analysed that jail staff uses vulgar and abusive language. Moreover, they treat the juveniles in a degrading way and give severe punishment to the juveniles.

A highly significant ($p=0.000$) association was found between overcrowding in jail increase disharmony situation among juveniles and the well-being of juveniles. The findings of Wordes and Jones [18] were in the support of the

findings of the statement. According to them, due to overcrowding in the jail, the situation has been found to be related to increased altercations between jail staff and juveniles and increased injuries to juveniles. It is concluded from the findings of the statement that due to overcrowding in jails, hazardous situation is created and the environment for juveniles was not suitable.

4. CONCLUSION

It is concluded from the whole discussion that due to lack of exclusive prisons for juvenile inmates, they feel insecure in adult jails and were fearful of the jail staff. Juveniles were also faced with tension, anxiety, and frustration and the negative and rude behaviour of the jail staff creates psychological problems in the juveniles. Jail staff beats them very harshly with rubbers, iron rods, treating them like animals. The juvenile inmates faced vulgar and abusive language of the guards and the adult criminals living in the same jails because of no exclusive prisons. Therefore, juveniles become deviant and involved in criminal activities and the recidivism rate is increased in juvenile inmates. All the adult prisoners lived in the same jails with juvenile prisoners which created overcrowdedness and caused a situation of disharmony in the prisons. From the findings, it is suggested that government of Khyber Pakhtunkhwa, Pakistan must take

some serious actions for the betterment and good future of juveniles. Pakistani politician and especially the KP politician and minister for prison must develop a plan to build exclusive prisons for juvenile inmates as mentioned in the JJSO-2000. The government of KP must provide special training for the jail staff that they treat the juvenile inmates in a proper way.

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