



PRISON'S GOVERNANCE IN KHYBER PAKHTUNKHWA PAKISTAN: AN ASSESSMENT OF THE PRISONERS' RIGHTS

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ABSTRACT:

Prison's governance is gauged by safeguarding basic human rights in captivity and prisoners' rights are detailed through rules, norms, and values. The present study assesses human rights paradigm enforced in Pakistan and evaluates the empirical situation in prisons in Khyber Pakhtunkhwa mirrored with the legal governance structure in vogue in the province. For assessment purpose primary data is collected through interviews from ex-prisoners, policemen on duty and some officials of prisons in the province. Documentary evidence is employed to ensure data accuracy before analysis. Secondary data has been utilized to form bases of recommendation in the light of empirics been



evaluated. Khyber Pakhtunkhwa Prisons Rules 2018, Nelson Mandela Rules and United Nations Rules make the necessary legal paradigm to view the problems been faced by prisoners in the prisons. In the light of these legal instruments recommendations have been framed for betterment in the system of prisons' governance.

KEY WORDS

KPK, Prisons, Rules, Human Rights, Police.

INTRODUCTION

Human rights' violation has been a necessary feature of prisons' governance since inception. The unjust and inhuman treatment in the system is still a contestation for human rights activists, augmented by incidents in notorious Abu Ghuraib, Guantanamo Bay, Bagram Prison etc. Pakistan inherited the prison department from British government after her independence on 14th August 1947. According to the world Prisoners Brief 2019, Pakistan ranks s 23rd in world's largest prison population (www.prisonstudies.org, 2019-11-21). Following enactments were initially adopted by the Government of Pakistan vide Adaptation of Pakistan Laws Order, 1947 to run the affairs of the department, however, all the rules and codes were compiled in Pakistan Prison Rule 1978.

On 23 June 2010, Pakistan ratified International Covenant on Civil and Political Rights (ICCPR) 1966 (Mehmood, 2010). The Covenant was assumed by the U.N. General Assembly in 1966 and was enforced in 1976 (ICESC, 1966). The Covenant forces all the signatories to take judicial, administrative, legislative,



and judicial measures to safeguard the rights entrusted to the prisoners in the covenant, which ensures that all the governments should follow UN Standard Minimum Rules adopted by the UN in 1956 (Shah & Iqbal, 2018). On 17 December 2015, during the 70th session of the UN General Assembly, a revised version of the Standard Minimum Rules was adopted unanimously and was named Nelson Mandela rules to honour the late President of South Africa, Mr. Nelson Rolihlahla Mandela (General Assembly resolution 70/175, 2015), who spent many precious years of his life in prison. The 18th amendment to the constitution of Pakistan 1973 (Constitution of Pakistan 1973, 2010) devolved the Prisons to the provinces through abolition of the Concurrent Legislative List. The Khyber Pakhtunkhwa government amended and adopted Pakistan Prisons Rules 1978 as Khyber Pakhtunkhwa Prisons Rules 2018 adopted on 14th March 2018 vide notification number SO (P&R) HD/3-3/2018 (GoKP, 2018)

In Khyber Pakhtunkhwa, the situation of human rights in prisons is not satisfactory. Prisons are overcrowded, filled with under-trial prisoners, the police officials are non-cooperative, corruption is at the peak, the unqualified staff is employed, poor sanitation system, medical facilities lacking, and violation of prisoner rights is a usual practice. Humanity and Islam demand that the inherent dignity of prisoners must be ensured through the proper legislature, in harmony with the provisions of Islam, Laws of the land, and obligations of World Human Rights.

Keeping the above in view, the present study focused on:

What are the rights given to the prisoners in Khyber Pakhtunkhwa?

How are these rights been violated?



How these violations can be avoided?

RESEARCH METHODOLOGY

This research paper is based on qualitative study of the problem and research. As a primary source, we collected the data by interviews from 9 Prisoners and 5 officials (including 1 from Home and Tribal department GoKP), and observations while reached out to several rule books, government notifications etc. Interviews were conducted with the authorities in the concerned department and other relevant individuals. In secondary sources various journal articles, newspapers articles etc. were consulted. Data was collected from these sources and analysed thematically to get relevant meaning.

PRISONERS' RIGHTS AS ENTRUSTED IN THE KHYBER PAKHTUNKHWA RULES 2018:

BASIC PRINCIPLES

According to Rule 1065 (i) of Khyber Pakhtunkhwa Rule 2018 (Khyber Pakhtunkhwa Rule, 2018) And Rule 1 of Nelson Mandela Rules (Nelson Mandela Rules, 2015), Treatment with humanity and dignity is the basic right of every prisoner.

1. DISCRIMINATION AMONGST THE PRISONERS

Rule 2 of the Nelson Mandela Rule (Nelson Mandela Rules, 2015) gives the protection of no discrimination based on colour, sex, race, religion, nationality, language, etc. Moreover, the above-mentioned rule also provides respect to the religion and the moral precepts of an inmate.



2. CAPTIVITY AT HOME STATION

As per Rule 159 of Pakistan Prison Rules 1978 (Pakistan Prisons Rules, 1978) and Rule 59 of Nelsons Mandela Rule (Nelson Mandela Rules, 2015), every listed prisoner shall be sent, thirty days before the release, to prison at/ near to his/ her home district without permission from higher authorities. But in Khyber Pakhtunkhwa Prisons Rule 2018, the same has been deleted and prisoners deprived of this right.

3. INFORMATION

Knowledge about provides security against the violation of rights. Prisoners have the right they should be kept informed regarding the rules. According to rules 64 (2) of Khyber Pakhtunkhwa Prisons Rules 2018 (Khyber Pakhtunkhwa Prisons Rules, 2018) and 55 (iii) Nelson Mandela Rule (Nelson Mandela Rules, 2015), the summary of rules is hanged inside the or near vicinity of the barracks in the language the prisoners understand.

4. PRISONER PROPERTY

When a prisoner is taken into custody, he/ she has some item with him/ her. The authorities confiscate the items and record them in a register. As per Rule 68 of Khyber Pakhtunkhwa Prisons Rule 2018 (Khyber Pakhtunkhwa Prisons Rules, 2018) and Rule 67 of Nelson Mandela Rules (Nelson Mandela Rules, 2015), this property of the inmate is taken into charge upon his admission and should be returned to him or his relatives upon his release.



5. CLASSIFICATION AND ACCOMODATING SPECIAL NEEDS

According to Rule 231 (i) of Khyber Pakhtunkhwa Rule 2018 (Khyber Pakhtunkhwa Prisons Rules, 2018) and Rule 231(2) of Nelson Mandela Rules (Nelson Mandela Rules, 2015), the prisoners should be kept categorized and kept in separate places/ parts of the prisons as per their criminal record, reason of detention, age, sex and need for treatment.

6. MEDICAL EXAMINATION

According to rule 14 (2) of Khyber Pakhtunkhwa Prisons Rules 2018 (Khyber Pakhtunkhwa Prisons Rules, 2018) , every prisoner shall be medically examined at the time he/ she is detained and registered accordingly.

7. QUALIFIED STAFF

As per rule 75 of Nelson Mandela rules, the prison staff should be trained and qualified in the job entrusted to them before entering his/ her duty (Nelson Mandela Rules, 2015).

8. FACILITIES TO PRISONERS

In Pakistan, health situations in places of imprisonment are substandard and sometimes awful. The inmates have the right to have clean drinking water and sanitation services in the prisons. According to Rule 504 (a), Rule 1059 of Khyber Pakhtunkhwa Prisons Rule 2018 (Khyber Pakhtunkhwa Prisons Rules, 2018), Rule 15 and Rule 22 (b) of Nelson Mandela Rules (Nelson Mandela Rules, 2015).



9. PROVISION OF FOOD

In the light of Rule 469 of Khyber Pakhtunkhwa Prisons Rule 2018 (Khyber Pakhtunkhwa Prisons Rules, 2018) and Rule 22 (a) of Nelson Mandela Rules (Nelson Mandela Rules, 2015), it is the duty of the Jail Administration to provide healthily and as per the required nutrient value food to the inmates.

10. ACCOMODATION OF PRISONERS.

Overcrowding has some negative impacts on the standards of living of individuals. These effects include amplified physical contact, absence of sleep, the nonexistence of privacy, and poor hygiene practices. Therefore, Rule 760 of Khyber Pakhtunkhwa Prisons Rule 2018 (Khyber Pakhtunkhwa Prisons Rules, 2018) places a bar on overcrowding in the prisons.

11. PRENATAL AND POSTNATAL CARE FOR WOMEN & CHILDREN

In this regard Rule, 323 of Khyber Pakhtunkhwa Prisons Rule 2018 (Khyber Pakhtunkhwa Prisons Rules, 2018) and Rule 28 of Nelson Mandela Rules (United Nation Organisation, 2015) give the right of special care to the woman during and after pregnancy. Moreover, the mother and child should also be given special care. Further, according to rule 326 (I) of Khyber Pakhtunkhwa Prisons Rule 2018 (Khyber Pakhtunkhwa Prisons rules, 2018), the woman with sucking kids can keep her offspring with her till they come to the age of three.

12. DIGNITY AND PRIVACY

Rule 50 of Nelson Mandela Rules (Nelson Mandela Rules, 2015) protects the safety to the self-esteem of every prisoner and instructs to that searches must



be done in a respectful manner keeping in mind the self-esteem of the inmates. It is to ensure that no one will interrupt their personal space or their possessions without prior permission of the owner.

13. SOLITARY CONFINEMENT

Although solitary confinement of prisoners on occasions can be essential, however, if it exceeds beyond a limit can develop psychological problems like anxiety, depression, self-harming, etc. Keeping in view the mental health of inmates both Rule 639 of Khyber Pakhtunkhwa Prisons Rule 2018 (Khyber Pakhtunkhwa Prisons rules, 2018) and Rule 44 of Nelson Mandela Rules (Nelson Mandela Rules, 2015) specify the time of solitary confinement i.e. 7 days.

14. USE OF FORCE

According to Rule 1066 (i) of Khyber Pakhtunkhwa Prisons Rules 2018 (Khyber Pakhtunkhwa Prisons rules, 2018) and Rule 82 of Nelson Mandela Rules (Nelson Mandela Rules, 2015), except in certain circumstances like self-defence or legal punishments, the force against the prisoners is forbidden. In this regards the rules state.

15. CONTACT WITH THE OUTSIDE WORLD

A prison is a place where the captives are under huge psychological stress. To relieve them from this stress, they need to meet their friends and family frequently. Therefore, Rule 552 (1) of Khyber Pakhtunkhwa Prisons Rules 2018 (Khyber Pakhtunkhwa Prisons rules, 2018) and Rule 58 of Nelson



Mandela Rule (Nelson Mandela Rules, 2015) allow the contact with the outside world to the inmates.

16. ACCESS TO THE LEGAL DOCUMENT

The prisoners cannot file an appeal or peruse their cases if they do not have an access to their legal documents. Therefore, Rule 53 of the Nelson Mandela Rules give the right to the prisoners to access their legal documents.

17. REHABILITATION PROGRAM

Under Rule 810 of Khyber Pakhtunkhwa Prisons Rule 2018 (Khyber Pakhtunkhwa Prisons rules, 2018) and Rule 4 of Nelson Mandela rule (Nelson Mandela Rules, 2015), the prisoners should be given vocational training so they may be able to earn respectfully in the life after imprisonment. In this, the inmates are made to work in the industry and should be able to impart vocational training to the prisoners.

18. PRISONERS WITH MENTAL DISABILITIES

As per Rules 109 of Nelson Mandela Rules (Nelson Mandela Rules, 2015), the prisoners with mental inabilities and/or health situations shall be treated in devoted facilities under the observation of qualified healthcare experts.

FINDINGS

The officials in the prison department are reluctant to provide data, moreover, the data in the compiled form at a single point is missing. Therefore, the



findings have been compiled from interviews, publications, the internet, and other anonymous sources, and a little data has been provided by the department.

BASIC PRINCIPLES

During the interviews (2022) and the IHC Commission report (Prisons Reform in Pakistan, 2019), it has been revealed that inside the prisons the inmates are not treated as per the law and rules specified in Pakistan prison rules and Mandela rules. The prisoners are prone to abusive language and mall treatment by the authorities.

DISCRIMINATION AMONGST THE PRISONERS

No discrimination on the basis of colour, sex, race, religion, nationality, language, etc.

INFORMATION

It has been observed that the prisoners are kept in dark regarding the rules and regulations. A session may also be conducted with the sentenced prisoner for the narration of his due rights before the shift. The prisoners are even informed regarding the basic rights they have and does not have any authority to share complaint regarding violations.

PRISONER PROPERTY

It has been observed that rule regarding the property of inmates is been followed, however, a few items on the property like medicines and eatables are subject to wear and tear during the stay of an inmate in the custody. No procedure or rules are available for custody or care of such items.



CLASSIFICATION AND ACCOMODATING SPECIAL NEEDS

Although the Classification according to the criminal record, reason of detention, age, sex, and need for treatment is followed in prisons but restricted to central prions or prisons in major cities. The women have specific portions but the male staff has access to it. It has been revealed that assaults on women prisoners by the male staff are very frequent inside the prisons. Furthermore, no specific rules regarding the care of senior citizens have been provided in Prison Rules. Moreover, Record keeping and the entries are been observed to be followed in the prisons (Prisons Reform in Pakistan, 2019). However, a uniform electronic file management system does not exist in prisons across KP.

MEDICAL EXAMINATION

The prisoners are medically checked up at the time they are brought to the prison but if anyone has some illness, the medical treatment is not given automatically unless the individual him/ herself reports the case.

QUALIFIED STAFF

Though the Prison Rules refer to the required qualifications of the Prison staff but the same is not implemented. The Prison staff lacks proper training with regards to manhandling and rules specific to prisoners and prions.

FACILITIES TO PRISONERS

No clean drinking water as per the good heath requirement is provided. Moreover, during winter only a pullover is been issued which does not give any



requisite protection against the chilling cold, especially in Khyber Pakhtunkhwa and Baluchistan.

PROVISION OF FOOD

Although food is been provided as per the menu given in Khyber Pakhtunkhwa Prisons Rules 2018 but no food as per the given standards is been provided. Moreover, it has been noticed during the interviews that, no special food as per the requirement of the health of ladies during pregnancy was provided. Similarly, after childbirth, the child is not provided with the diet he/she needs at a growing age.

ACCOMODATION OF PRISONERS

Due to the number of pending cases and crime rate, the population of prisoners in every jail is overcrowded. Currently, 72,221 Criminal cases are pending in front of all courts in Khyber Pakhtunkhwa. According to a report in all the 38 prisons of Khyber Pakhtunkhwa, there are 13,030 prisoners held against an authorized strength of 12,326. Out of these 13,030, inmates 10,093 are under trial while only 2,581 are convicted. This means that the occupancy state of the prison is 105%. Amongst them, 77% are on trial.

PRENATAL AND POSTNATAL CARE FOR WOMEN AND CHILDREN

During an interview with some lady prisoners, it has been revealed that, although separate accommodation and medical treatment in hospitals designated for prisons is provided but the facilities in those government hospitals are not adequate. Additionally, the ladies are made to work in the



industries just 40 days after they have given birth to the kids. Consequently, the ladies are facing difficulties in taking care of the health of their own and the new born. Additionally, there is no facility for the grooming and playing of these kids.

DIGNITY AND PRIVACY

It has been found during the interviews that during searches especially, the dignity and respect of the prisoners are never kept in view and the prisoners are embarrassed at every step. Which is embarrassing and a psychological trigger for many inmates (Anonymus, 2022).

SOLITARY CONFINEMENT

The solitary condiment is one of the most used punishments in prisons. According to some prisoners, the 1st night of the new admission in jail is spent in such confinements as a routine affair (Anonymus, 2022).

USE OF FORCE

The personnel of the prison police uses force against the detainees to pity minor issues without giving heed to the right provided under the law. (Anonymus, 2022)

CONTACT WITH THE OUTSIDE WORLD AND ACCESS TO THE LEGAL DOCUMENT

It has been observed that while the prisoners are permitted to meet their visitors but the time allowed is very less and the prisoners cannot meet their visitors



privately. Moreover, although a once-a-week meeting is the right of inmates, the jail authorities use it as a privilege and promote favouritism amongst the prisoners. Further, the prisoners are not allowed to keep their files with them which is contrary to the rule and prisoner's right violation. (Islamabad High Court, 2019)

REHABILITATION PROGRAM

The prisoners in Khyber Pakhtunkhwa are provided skilled training which they can utilize after their release. Due to this skilled learning the prisoners who complete the imprisonment get a good opportunity to start a better life and so the rate of recidivism is decreased (kp.gov.pk, n.d.). However, the work taken is stretched for hours which is inhumane and without any rewards.

PRISONERS WITH MENTAL DISABILITIES

Although in some prisons which are located in the main cities, expert mental health practitioners are available for the prisoners but in the far furlong and small cities, this facility is no-where (Anonymus, 2022). Moreover, they do not have special places or prisons in which these types of prisoners are kept and treated. Further, the stress due to captivity and the presence of mental health patients, through which every prisoner is passing through in never incorporated consequently, the prisoners with mental issues are placed with the other inmates which cause physiological stress for the other individuals present inside the cell and the personals on duty as well.



RECOMMENDATIONS

The focus should be on the human respect and humane handling of prisoners that too without any discrimination. Moreover, rather than punitive punishments, imprisonment should stress the rehabilitation of the inmates. In this regards Sindh government has taken a positive step and adopted Sindh act No X of 2019. In the act purpose of the Prison, the system has been emphasized by giving fundamental rights to prisoners and the need for rehabilitation is highlighted. The same should also be adopted in Pakistan Prison Rules and ensured on the ground.

Allocation of prisons in their hometown is the right of every inmate. However, no specific data in this regard was provided by the authorities, the interviews revealed that this is given as a privilege and not as a right (as mentioned in the findings section). The prisoners should not be deprived of this right and be sent to the prisons closer to their hometowns. Moreover, the hometown should be the one specified by the inmates themselves. In this regards the deleted rule 159 of Pakistan Prisons Rules 1978 may be reinstated and the judge while announcing the sentence should ask and specify the place of his/ her confinement in the written decree.

As mentioned in the findings, the data is religiously recorded however, the data is completely recorded in registers and handwritten. The prison department should upgrade to electronic data registrations and an electronic File registration system. In modern countries, a Jail Management System is been used which keeps a record and track of all matters related to the inmate.

Prison rules should be displayed in all the barracks and cells in the language the prisoners can read and understand. Complaints solve the problems regarding



the violation of any rights of the inmates. The prisoners should have the right and procedure to turn to the authority outside the jail in case they are not been heard internally. Complaint boxes may also be installed in places where the prisoners can easily record their complaints and make the authorities listen to their voices. Further, a complaint written on even a napkin must be taken seriously.

As mentioned in the findings, the prisoners have a few like medicine and food with them at the time of custody. These items are vulnerable to decay and expiry. There is no system for the preservation of these items. Although medicine is a basic need and is required to be given to the prisoner at the prescribed time, there is another aspect attached to it that a prisoner can attempt suicide by consuming bulk medicine. Therefore, it is recommended that medicines should be taken in custody of a Prison official and given to the inmate in the required dosage at the prescribed time while the rest of the items be handed over to the next of Kin or relative at the time of imprisonment.

As mentioned in the findings any medical issue found during the initial medical check-up is not treated automatically. It is suggested that during the initial screening along with the routine check-up the inmate should also be checked for any sign of physical or mental issues at the time of admission. Similarly, the treatment should start automatically and the confinement started after the treatment given to the prisoner.

Within the prison, the inmates should be classified according to their sex, age, criminal record, the reason for detention, and treatment. The ladies have separate portions but Male Police officials have access to it. They do not have appropriate lady staff and lady doctors. It is recommended that the lady and



juvenile should have separate jails, with lady staff and lady doctor available in every district even in the sub jails. Moreover, there must be a rule that either the elder citizen after a specific age should not be kept in confinement or they should be given special care like provision of nurse, doctor, etc.

Job in Prison is a multifaceted work and it requires some special skills. As it is said that practice makes a man perfect, training is the tool of equipping the staff with knowledge, skills, and correct attitude to perform their duties in a good manner and be able to handle the captives humanly and with respect. Training of the prison staff should include initial training before assigning the job. In this training human rights and manhandling shall form the foundation and a refresher training to include new trends after an interval of every 5 years. Moreover, these aspects and practical manifestation should be given due importance during the promotion of the personals.

To ensure the good health of the inmates, access to basic necessities is of huge importance. Water is one of the major reasons to causes of disease. Therefore, provisions of clean drinking water should be ensured for the inmates all the time. As per WHO, 3-5 litres of clean water is necessary for an individual good psychological health. This minimum requirement increase with the climate and physical activities. The poison authorities should provide the facility of clean water storage and reverse osmosis plants be installed to provide clean filtered water to the prisoners. The strict physiological needs of a human individual may be covered by 3 to 5 litres of drinking water per day. This minimum requirement increases in accordance with the climate and the amount of physical exercise taken.



As mentioned food is a basic ingredient of life. The food should have all the nutrient values that are mandatory for the person in his/ her daily life. The food with the nutrient values and scale given in Khyber Pakhtunkhwa Prisons Rules 2018 should be provided to the prisoners. Moreover, to keep their psychological health in good shape, they may have access to buy food items from the cafeterias in the jail. Moreover, the lady during these days needs some special diet which should be provided by prison authorities or may be allowed to be provided by her family. In the same way, a new born kid should also be provided with the diet he/ she needs during the growth.

The overcrowding of the prisons is a critical issue. Overcrowding, on one hand, is worsen the law and order conditions, and on the other harms the hygienic issues of the prison and prisoners as well. Construction of new, spacious jails with a modern facility is recommended. For the time being, a system of punishment should be adopted to avoid the confinement of individuals on small charges periodic reporting to nearby police, Passport confiscation, etc. Moreover, the number of pending cases is one of the major contributors to this effect. Judiciary should devise a system of speedy justice so that the number of cases is reduced and disposed of quickly.

Medical treatment is a basic right and need of every free or confined individual. However, a person in lock up s vulnerable to many diseases and under an immense psychological burden. Therefore, he/she needs special care to keep him/ her in good health. In Pakistan the medical facilities in the government sector and not adequate. The prisons are in many cases dependent upon these civil medical facilities and hospitals. The Medical Officer in many cases is deputed by the health department from a government hospital in the close



vicinity. To make the situation even worse, these inmates are even treated as a rejected lot by society which makes the situation for them even worse. It is therefore recommended that the prisons at all tiers should have dedicated Medical staff to include a permanent doctor present 24/7 for the inmates. Moreover, a specialist should visit the prison on weekly basis.

Inside the prisons, searches are very necessary. It keeps the prisoners on their toes for any adventure they are planning and also avoids untoward incidents. However, it has been observed that the searches are used as a tool to harass the inmates. Further, the searches are carried out in a much-undignified manner and the items of even personal use are been displayed in front of everyone. Searches should not be used as a tool to harass prisoners. Therefore, it is recommended that the aspect be included in the basic training of the prisoner staff. The searches should be carried out in a dignified manner like in a closed room or hall with only the person whose search is been carried out present there. Strip Searches be limited to extreme situations and the record of searches has been filed in a register or Inmate management system. Moreover, the record of all items found with the prisoner should be shared with him/ her.

Self-respect is a basic right of every individual, the captivity does not deprive one of this fundamental right. As mentioned earlier, during searches especially, the dignity and respect of the prisoners are never kept in view and the prisoners are embarrassed at every step. This embarrassment of breach of self-respect is one of the major hurdles in rehabilitation. The individual is vulnerable to instigation and the chances of recidivism increase many folds. Self-respect and dignity must be given prime importance. This aspect should be included in the



basic training of the prisoner staff, incidents recorded in the personal dossier, and during the promotion given due weightage.

The use of force should be kept to a minimum and linked to the court order. No individual in his/ her capacity including the superintendent should be allowed to use the force. In case of any such case, the inmate should be medically examined before and after the punishment. The punishment should be given in presence of a medical officer. The punished captive should be given due medical treatment and required rest afterward.

The captivity delinks the detainees from the outside world. They spent the time thinking about their home and kids. When visitors come to see them, they have many things in their minds to discuss and talk to their parents, wives, and kids. They want to see their wives privately and discuss many things in their hearts. As mentioned earlier there is no provision for a private meeting in the prison. In some places, the superintendent allows it but at his/ her own risk. As said before, meeting the visitors reduces the chances of recidivism. This should be used as a matter of rehabilitation program and included in it. The time for meeting the prisoners should be enhanced and rules for meeting privately should be brought in. In this respect, prior precaution should be taken so the person meeting privately should not be able to facilitate a crime inside the jail premises.

Most of our prisoners with a criminal record are uneducated and do not have opportunities to earn from white-collar jobs. Moreover, with a criminal record people are reluctant to offer good jobs with respectable earnings. This creates chances of re-offenses amongst such released prisoners who are not been accepted by society and are vulnerable to crimes. Skill training in this regard is



a major contributor for them to earn respectably and reduce the chances of falling prey to the crime society. Therefore, all the prisons should have skill training industries that can impart training of the choice of each inmate. Moreover, the time should be specified and work should be restricted to from 8 am to 12 Pm. The time may be adjusted keeping in view the weather conditions. Further, the items produced by these prisoners should be open to the market and the earnings shared between the inmate and his family. In this, they can learn a skill during the captivity and at the same time support their families which in many cases are in dire need of money and support.

As mentioned earlier, the captive is in spending their time under huge psychological strain. They along with other reforms need access to mental health experts. In central jails where the new passed out doctors are in close vicinity and visit the prisons in their projects have the chance to see the prisoners with mental issues but in other, they are referred to the expert by the medical officer who does not have any idea of the issue. Moreover, as mentioned in the findings, the stress through which every prisoner is passing through is never incorporated¹. It is recommended that if possible each prison should have a mental health expert posted or at least a visiting one who can visit and interview every inmate minimum once a month.

It is also recommended that along the lines of a European Committee for Prevention of Torture and Inhuman or degrading Treatment or Punishment committee², a committee to supervise prisoners' rights and their violations be formed in each zone. This committee should visit every prison on a half-yearly basis and submit its reports directly to IG Prison and the Ministry of Human



Rights. Moreover, the report should be available to the citizen of Pakistan under the Right to Information Act.

CONCLUSIONS

Freedom is a reward that a person can only judge when he/ she is deprived of that. It became worse when it is accompanied by a curb of basic rights from the captive. Pakistan is a 3rd world country where basic human rights are available to only the privileged lot. In Pakistan, the prisons are in poor conditions, especially in small provinces like Khyber Pakhtunkhwa. In this study, we have tried to highlight a few human rights given to the prisoners in the Pakistan Prison rules and Nelson Mandela Rules (Standard minimum rules for Prisoners by UNO).

In Khyber Pakhtunkhwa the human rights are a common norm, there are no separate jails for ladies, no system for grooming of kids, skilled training facilities are equal to none, basic facilities are lacking, the attitude of officials is not up to the mark, and the staff is untrained and so on. The prison is run in a poor condition and the institution is meant to correct and rehabilitate the captives, but due to resentment and no special care, it is serving as a nursery of crime. Although Khyber Pakhtunkhwa has taken steps and reforms to improve the prison conditions, it has not reached the grass-root level and prisoners are still living in miserable conditions. They do not have a complaint system to make the authorities heard.

In this study keeping in view, the models of other provinces like Punjab, and Sindh along with some foreign welfare states like Germany, Norway, the UK, the USA, etc, and few recommendations have been given. These



recommendations if adopted shall not only rehabilitate and make today's wrongdoers better citizens but also reduce the crime rate as well. The prison department and judiciary have a role to play and make Khyber Pakhtunkhwa a role model for others to follow.

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