

## ***An Analysis of Prisons' Staff Role in the Reintegration of the Prisoners***

***(A Case study of the selected Prisons of Khyber-Pakhtunkhwa Pakistan)***

• Rais Gul

### ***Abstract:***

*The central theme of this research is to explore the effectiveness of prisons staff in the reintegration of the prisoners with specific focus on Khyber-Pakhtunkhwa (Pakistan) jails. Mixed method was adopted to carry out the study. Seven high-profile jails within Khyber-Pakhtunkhwa province of Pakistan, one jail each, in all the seven administrative divisions, were purposively selected. Of all 277 respondents, 250 comprised of jail inmates (under trial and convicted adults and juveniles male prisoners) were randomly selected within the seven jails of the province and interviewed through semi-structured questionnaire. The remaining 27 respondents, purposively selected and interviewed through interview-guide included judges, lawyers, jail officials, human right activists and ex-prisoners. Further, One focus group discussion was arranged to gain more deep insight into the phenomenon in question. Concurrent triangulation strategy was adopted for the collection and analysis of data.*

*It was found that prison staff in Pakistan is characterized by lack of will and skill to transform prisons into correction institutions. Their involvement in torturing the inmates, providing them proscribed stuff, sexual assaults on the prisoners, taking bribery for extending legal and illegal favors etc is deeply-seated within the Khyber-Pakhtunkhwa prisons. Providing best trainings to the prisons' staff considering modern-day needs, their salaries increase along with sound service structure, meritorious selection, transfer and up-gradation of the prisons' employees, recruitment of the needed staff to bridge the staff-inmate huge gape and ensuring the effective accountability system of prisons are the suggested measures to overcome the problem at hand.*

*Key words; Prisoners, Prison, Reintegration/rehabilitation, Prison Staff, Torture, Accountability, Effectiveness,*

## **1. Introduction:**

Prisons, in the past, were places of severe human sufferings as they aimed at punishing those who violated the laws or the rulers. In modern penology, however, the concept of incarceration has changed to a more humanistic and reformative act of reintegration/rehabilitation of the offenders back into society as a normal, productive and law abiding citizens. Today prisoners' reintegration (the term reintegration/rehabilitation overlaps in this paper and means training a prisoner in such a way that, eventually, it turns him/her into a useful, positive, productive and law abiding citizen and minimize his/her likelihood of reoffending) is the core concept of almost all penal systems in the world, at least theoretically. One of the factors that can accomplish the much desired goal of prisoners' reintegration is the effective prisons' staff. It is undisputed that the more trained, dutiful and efficient the staff is, the more is the likelihood of prisons to be correction centers and vice versa. The United Nations Office on Drugs and Crime has highlighted the importance and condition of prisons' staff in the global scenario. It is described that prison authorities are responsible to ensure that everything within prison is compatible with the law. Also, they must ensure that the prisoners' human dignity is not violated in the least and that imprisonment will ultimately result in the correction and productivity of an inmate once released. However, in various countries prisons are run either by police or military institution having staff not qualified for the organization of the prisons. Moreover, the prisons are characterized by the low morale of the staff and lack visionary personnel to reform it<sup>1</sup>. Veldhuis shared the following findings in respect to prisons' staff importance:

Therapeutic integrity of a program can be corrupted by several factors, including incompetent or inadequately trained staff, lack of resources to implement the program, disturbances in the institutional or correctional context, or when personnel interpret the program theory in a wrong way or fail to adhere to the procedures and principles that are required to change the inmate's attitudes and behaviors<sup>2</sup>.

United Nations reveals dealing people in the restricted environment within their custody, prison officials are at the forefront of human rights protection. But ironically, prison staff is poorly trained, meagerly paid and not enjoying public esteem in many countries across the globe<sup>3</sup>. Coyle has argued that skilled personnel are instrumental for the implementation of various declarations of human rights regarding inmates. He is of the opinion that men and women deployed in various capacities within prisons are to be carefully chosen taking into account their personal qualities as well as educational backgrounds. After their proper selection, they need to be provided with proper training to handle the affairs of the prisons in technical as well as human ways. Besides, they are to be trained throughout their careers to cope with the emerging challenges of prisons in the updated fashions. He further states that the prison staff must understand the social changes taking place in society from which prisoners are coming and

to which prisoners will ultimately go<sup>4</sup>. Penal Reform International (n.d) has pointed out that one of the obstacles in the way of prisoners' rehabilitation is the poorly trained staff and punitive approach to manage the jails<sup>5</sup>.

In Pakistan, theoretically and legally prisons are for custody, care, control, correction, cure, community involvement, and successful re-adjustment of prisoners in the society<sup>6</sup>. Government of Khyber-Pakhtunkhwa (henceforth, KP) Inspectorate of Prison has also revealed that Prison Department KP aims at the preparation of convicted prisoners in their custody for reformation and correction<sup>7</sup>. However, without well-trained and competent staff these objectives can't be materialized. So much so, as Abbas argues that even the de-radicalization strategy to be successful in Pakistan depends largely on the efficiency and approach of prisons' management. For example, Egypt, Saudi Arabia, Indonesia, Malaysia, Singapore, and the United Kingdom are running de-radicalization programs inside their prisons<sup>8</sup>.

Thus, it may be concluded that prisoners' reintegration lies at the heart of all penal philosophies in the modern world. The realization of this goal, however, is greatly linked with the prisons' staff, well trained and committed to the cause. This paper explored the link between prisons' staff and prisoners' reintegration and bring forth the root causes, which have made Khyber-Pakhtunkhwa (henceforth KP) prisons' staff part of the problem instead of solution. Hence, it would contribute to the store of knowledge, for it is the first ever research to uncover the effectiveness of prisons' staff considering all the major jails of KP, Pakistan.

## 2. Methodology:

Mixed methodology i.e., both qualitative and quantitative strategies were adopted to carry out this study. Moreover, it is case study of Khyber Pukhtunkhwa, Pakistan jails. Case study is recommended for getting in-depth and well elucidated evidences and understanding of the social situation<sup>9</sup>. Besides, as defined by Robson case study is "a strategy for doing research which involves an empirical investigation of a particular contemporary phenomenon within its real life context using multiple sources of evidence<sup>10</sup>." Seven high profile jails within Khyber-Paktukkhwa province of Pakistan, one jail each, in all the seven administrative divisions, were purposively selected. So, the four central prisons i.e., *Peshawar, Bannu, Haripure, D.I. Khan* and three district prisons i.e., *Temargara, Mardan* and *Kohat* were selected.

Out of 277 respondents, 250 comprised of jail inmates (under trial and convicted adults and juveniles male prisoners) randomly selected within the seven selected jails and interviewed through semi-structured questionnaire, whereas, the remaining 27 respondents, purposively selected and interviewed through interview-guide included judges (2 in number), lawyers (2 in number), jail officials (6 in number), human right activists (3 in number) and ex-prisoners (5 in number). Further, One focus group discussion comprised of three session

court judges, one high court based lawyer, one Human rights activist and one ex-prisoners (6-8 member) as preferred by Krueger & Casey<sup>11</sup> was arranged to gain more deep insight into the phenomenon in question. Also, researcher's own observation was the part of getting in-depth information. **Concurrent triangulation** technique was used to collect and analyze the data. In short, concurrent triangulation technique combines qualitative and quantitative data sources and secondary data to confirm, cross-validate or corroborate findings within a single study<sup>12</sup>.

### 3. Data Analysis and Discussions

**Table Prisons' Authorities Attitude toward Prisoners**

Statements	Yes	No	Don't Know	Total
Prisoners are tortured inside the prisons?	108 43.2%	142 56.8%	0	<b>250</b> <b>100%</b>
Complaints regarding unfair treatment are heard and addressed?	96 38.4%	154 61.6%	0	<b>250</b> <b>100%</b>
Greasing Palm of prisons' official the norm of Prisons' regime	147 58.8%	103 41.2%	0	<b>250</b> <b>100%</b>
Moral Exploitation of the prisoners	<b>114</b> 45.6%	<b>136</b> 54.4%	0	<b>250</b> 100%

#### 3.1. Torture at the hands of Prisons' staff:

In the light of the given table, out of 250 inmates, majority, i.e., 142 (56.8%) denied the existence of torture, while comparatively lesser number i.e., 108 (43.2%) responded that torture at the hand of prisons' staff was prevalent inside jails. It may be noted that extracting information which could irritate prisons' authorities is an uphill task in the **total institutions** like prisons. For example, some of the prisoners on the condition of anonymity disclosed that jail authorities are provoked even if they are criticized on justified grounds. They further said that the prisoners then face the music; therefore, to be tight-lipped the better (A prisoner under custody, interviewed by the author, May 2014). Narrating his story an **ex-prisoner** also revealed that once he had registered complaint against jail authorities, which irritated them. So to teach lesson to him, a doctor was called by prison authorities and he was declared to be a mad person by the doctor. He was shifted to *Peshawar* Central Jail to be housed with the mad prisoners on fabricated grounds. He said that it was the story of the numberless people; therefore, to be calm, the better (An ex-prisoner, interviewed by Rais Gul, 24<sup>th</sup> August 2014). Exploring the phenomenon of

**torture at the hands of prison staff**, an inmate from *Peshawar* Central jail had to say:

I was so severely beaten one day that my backbone was almost paralyzed. My fault was just using mobile phone, which is proscribed, but only for those who do not have money or political backup. It was God's mercy that I recovered after a prolonged treatment thanks to my family members who left no stone unturned in that regard (Interview with J. Shah by author, 27<sup>th</sup> May 2014).

Another inmate, from Central Jail *Haripur* disclosed that hitting and beating of the prisoners is a routine phenomenon. Prisoners are physically humiliated by the staff as well as by those inmates who are the virtual kings of the prison regimes (Interview with M. Kamal by author, May 2014). An educated ex-prisoner from district *Sawabi*, described his jail experience as:

In Pakistan's prisons "Might is Right" law prevails. The weaker segments are exploited at every step. Also jails' statute is outdated and not compatible with the constitution of Pakistan. The colonial time Pakistan Prison Rules (PPR) still run the affairs of jails. Pakistan has signed various protocols regarding human rights as well as prisoners' rights with the UNO; yet, our prisons are torture cells having no regard for national and international laws (Interview with ex-prisoners by the author, 10<sup>th</sup> August 2014).

Describing his account *Riaz*, an ex-inmate said during his 18 long years imprisonment, he was subjected to severe mental and physical torture. As a result, he became too weak physically to earn his livelihood through labor (Interview with A. Riaz by the author 18<sup>th</sup> August, 2014). These opinions fully endorse the observations of Niazi (2016, December 18), who laid open that prisoners are inflicted upon severe bodily pains and they often face of ruthless beatings<sup>13</sup>. Parekh in the context of Pakistan jails unearthed that within police custody extreme forms of physical abuses such as being beaten, hung upside down, or whipped with a rubber strap or specially designed leather slipper, is a routine practice, to which both adults and juvenile are subjected<sup>14</sup>. The unfortunate fact as disclosed by United States Department of State (2011) is that though, Constitution of Pakistan bars torture, abuse or treatment with any kind of inhumane and degrading way within custody. Yet there is no proper legislation to bring to justice those, who violate prisoners' human dignity. Also, the government of Pakistan has ratified in 2010 all the provisions in the UN Convention, which ban torture in all manifestations<sup>15</sup>.

### **3.2. Moral exploitation of the inmates & culture of bribery:**

Moral vulnerability of the prisoners includes sexual abuse such as excessive body cavity searches, sexual intercourse, erotic conversation with them, shakedown, arbitrary strip searches, denuding actions, exposure, etc. As per the

above table, 114 i.e., (45.6%) prisoners were morally secure in comparison to 136 (54.4%), who expressed their dissatisfaction over their moral security. With regard to the **culture of bribery**, majority 147 i.e., (58.8%) stated that it was a deep-rooted practice within jails. While comparatively lesser number 103 i.e., (41.2%) did not believe in the culture of palm greasing. It may be noted that **moral abuses** are seldom reported by the prisoners in order to avoid the stigma attached to it. In conservative societies like KP (Pakistan), once a person is known to be morally exploited, he/she loses his/her dignified life. Furthermore, his/her space to live in society is narrowed-down to the extent that he/she is left with no option but to change his/her dwelling place, far away from the eyes of those who have little clue about his/her past life. Thus, these consequences are unbearable, but for very exceptional few (Personal Observation, July 2014). Yet, many international and national researchers have unearthed the widely prevalent practices of moral abuses inside jails. For instance, The Daily Times (2016, August 8) highlighted that weak groups such as children and women are highly susceptible to sexual abuse inside Pakistan jails, which is the grotesque violation of the prisoners' rights<sup>16</sup>. A leading English Daily of Pakistan reported that one of the juvenile prisoners aged 14-15 in *Peshawar* Central Jail had informed the Session Judge of *Peshawar* High Court that he and his fellow inmates were sexually abused by the adult inmates, they were provided to, by the jail officials. The boy went on saying that he could be medically examined. He also revealed that supplying juvenile to the adult inmates by the authorities was a deep-rooted phenomenon, which could result in the monetary gains of the satanic minded officials. The judge on the compliant had ordered inquiry into the matter in question<sup>17</sup>. *After inquiring into the matter, it was found that the allegation leveled by some 32 children saying that the jail authorities provided them to the professional criminals to satisfy their lusts once they were bribed was based on facts.* It also came to the light in the *findings that the jail officials supplied mobile phones, Liquor, Cannabis or Chars and other proscribed things to the prisoners and in return get money*<sup>18</sup>. Bhutta & Akhbar divulged that even for getting meal and other facilities, the low class prisoners, juvenile and women have to give message to the prisons' officials<sup>19</sup>. One of the **ex-prisoners** commented that those having wealth, power and clout were privileged with remission of sentences, better food, and medical care and so on. He also alleged that those who palm grease the prisons' police get illegal favors, like they are provided with drugs, **alcohol and even women** (S. Yousafzi, an ex-prisoners, interviewed by the author, 23<sup>rd</sup> July, 2014). Zubair & Khattak have uncovered that inside Pakistan prisons wealthy and politically strong get illegal favors<sup>20</sup>. Baloch has also revealed that prison staff extends favors to those inmates who grease their palms, politically strong or members of the gangs. So much so, that the prohibited things go unchecked due to the connivance of the staff once they are bribed<sup>21</sup>.

### 3.3. Lack of Effective Accountability:

On the question, that whether or not prisoners' complaints were heard and addressed, in the case any torture happened, 96 (38.4%) replied in positive, while 154 (61.6%) replied in negative. This situation reflects lack of check and balance in prison regimes. International Crisis Group Asia report, in this regard, described that in Pakistan given to the poor accountability system, torture and other mistreatments by the jail superintendents and warders go uninterrupted and unchecked. The unbridled prison staff has made prisons the hotbed of violence, drug abuse, criminality, corruption and militant activity<sup>22</sup>. Anwar & Shah have thus, recommended in their research that through effective legislation, up-to the mark accountability of prisons system is the need of the day to ameliorate the miserable conditions of the prisoners<sup>23</sup>. Majority of the respondents, except the jail officials, pointed at the poor accountability. For instance, the representatives of *Dost* Foundation and *ICRC*, in this context, argued, "Prisons' staff are the virtual king of their jails. All, their heinous deeds go unchecked considering the status-quo. The more accountable and trained staff of the prisons, the greater would be the chances of the prisons to be reformation centers" (Human Right Activists, Interviewed by the author, July 2014).

### 3.4. Lack of proper training, Low salaries, No service-structure & widening Staff-inmate ratio:

The jail officials admitted that corrupt practices were widespread within the jails of the province. They however, highlighted the causes. For instance Deputy-cum-Assistant-Superintendent *Kohat* jail identified government negligent attitude to be mainly responsible, as he put, "Staff salaries are very low, training opportunities are not adequate, needed equipments are outdated and scarce. As a result, corrupt practices pervade" (Interview with S. Khan by the author, 13<sup>th</sup> May 2014). Sharing similar views, superintendent *Bannu* jail argued, "Prison staff's professional and moral up-gradation as well as increase in their salaries is greatly linked with the betterment of prison environment. Yet, ignored by the successive governments" (Interview with T. Sehbaz by the author, 13<sup>th</sup> May 2014). *Mardan* jail superintendent opined, "Prison is an ignored department; we need incentives to come up to the expectation of the people and policy makers" (Interview with S.Khan, 8<sup>th</sup> May, 2014). Furthermore, the officials told that increase in prisons' population demands for the recruitment of more staff to manage the affairs of the prisons in the best possible way. In this regard, *Haripur* Jail's Deputy-superintendent remarked as, "Staff needs to be increased and trained properly taking into account the mushrooming growth in prisons' population (Interview with S. Babak by the author, 12<sup>th</sup> May 2014).

In addition, focus group discussion participants concluded as:

Prison personnel are to be trained professionally and morally. Also, they must be given handsome salaries; only then the evil practices like bribery, illegal drugs, torture, sexual harassment and so forth inside prisons could be overcome. Only judges'

intervention and frequent visits would not make things right, rather government authorities, NGOs, and civil society has to play their responsible role in this regard (Focus Group Discussion, September 2014).

The lawyers admitted the deficiencies of prisons' staff on the one side but also pointed out that they were always under pressure either by political people or gangs along with low salaries and inadequate trainings as one advocate said:

We don't say that it is all ok on the part of the prisons' management, but they are in 'between a rock and a hard place' state. Therefore, they can't be blamed solely, rather the overall system of the governance has to be streamlined and immediately the criminal justice system need to be ameliorated (Interview with Lawyer by the author, September, 2014).

The aforementioned views are compatible with other studies. International Crisis Group Asia's (2011) report, for instance, acknowledged acute shortage of administrative staff and meager budget allocation to be the hallmark of Pakistan's prisons. Also, it is highlighted that prison officers' salaries are low and their up-gradation procedure is extremely slow, which has caused inefficiency and corruption in the jails. The report also added overcrowding and a widening staff-inmate ratio to be one of the disturbing factors in the prisons<sup>24</sup>. Federal Ombudsman of Pakistan (2015) published the recommendations of a high profile committee formed in the pursuance of Supreme Court order to address the underlying causes of Pakistan failed prison system. The recommendations also include that the service structure of prison officers and staff needs to be brought in conformity with other government officials. The report revealed that due to ambiguity in the salaries of the staff, allowances and promotion prospects, the officials feel demoralized. Also, the administrative posts, which have been lying vacant since long must be filled at once to overcome the widening staff-inmate ratio<sup>25</sup>. Akhtar, too has emphasized on increasing the salaries of prisons' staff and argued that many of the evils inside prisons of Pakistan are because of poorly paid staff<sup>26</sup>. In this respect, the Human Rights Commission of Pakistan<sup>27</sup> & International Crisis Group Asia<sup>28</sup> annual reports brought to the light that Pakistan's prisons are marked by corruption, overcrowding, mistreatment, torture of detainees, poorly trained staff, and deficient accountability mechanisms. In addition, the indifference of the government is well-manifested by the fact that since independence, to date, there is just one training institution for prison staff in Pakistan with the name of **National Academy for Prisons Administration** (NAPA) in Lahore. However, it was disclosed by Government of KP (2014) that a training institution for KP prison personnel at *Haripur Prison* is likely to be completed by the end of 2016. The report further disclosed that *Haripur prison* is currently used as an interim training institution, where 386 'Watch and Ward staff' has been trained so far. Moreover, the provincial government would impart special security training to 40 staff members given the security situation of the province<sup>29</sup>.

#### 4. Conclusion & Recommendations:

Prisons' Staff role is of massive importance in the reform of prison and prisoners. However, across the globe, with the exception of few countries, prison staff role is not up-to the mark. In Pakistan's and KP's context, prison staff has aggravated the issue of prisons' reform and considering the status-quo they are stumbling blocks to prisoners' reintegration. Prison staff in Pakistan is inefficient, incompetent and irresponsible as has been verified by the data. Their involvement in torturing the inmates, providing them proscribed stuff, sexual assaults on the prisoners, taking bribery for extending legal and illegal favors etc is deeply-seated within the Khyber-Pakhtunkhwa prisons. In addition, lack of the effective accountability mechanism for the black sheep within prisons' staff has worsened the problem. However, it is also a fact that governments' role to improve the capacities of prisons' staff, increase their salaries, ensure them proper service structure and restore their dignity in the eyes of the public is very poor, to say the least. Last but not least, without an effective, committed and trained staff, the prisons' settings cannot be transformed into reformatories and prisoners' reintegration would be reduced only to a theory. In the light of primary and secondary data it is **recommended** that government must immediately arrange best trainings for the prisons' staff considering modern-day needs. Since prisons are provincial subject, hence, every province should have a full-fledge training center for its prisons' staff to train them fully considering the given conditions of the province. Prisons' staff salaries need to be increased to a reasonable level along with handsome service structure. Also, their merit-based appointment, transfer and up-gradation would overcome the prison evils up-to a great extent. Not less important is the recruitment of the needed staff to bridge the staff-inmate huge gap. And last but not least, making accountability system of prisons fairer and just so as to dealt the black sheep with an iron hand would lead to the reform of prison regime and ultimately the prisoners' reintegration.

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