



Juvenile Justice System and Implementation of International Human Rights Conventions in Pakistan: A Policymakers and Practitioners' Perspectives

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Abstract

This qualitative study explores how Pakistan's Juvenile Justice System Act (JJSA) 2018 reflects and implements international juvenile justice standards, particularly the UN Convention on the Rights of the Child (CRC), the Beijing Rules, and the Riyadh Guidelines from the perspectives of key stakeholders. Drawing on semi-structured interviews with 15 policymakers and practitioners, including legislators, ministry officials, judges, probation officers, and NGO representatives, the study applies thematic analysis to uncover implementation gaps and institutional challenges. Six major themes emerged: legislative alignment versus policy execution; resource and infrastructure deficiencies; unreliable age determination; limited use of diversion mechanisms; lack of training and stakeholder awareness; and weak monitoring and accountability systems. While participants acknowledged the JJSA as progressive and well-aligned with global norms, they emphasized that its impact is hindered by delays in procedural rulemaking, insufficient juvenile courts and observation homes, inactive Juvenile Justice Committees (JJs), and widespread lack of child rights training among law enforcement and judiciary. The results of the study are instrumental in nuanced understanding of socio-cultural, legal and structural factors affecting juvenile justice system in Pakistan. It also emphasized the structural reforms including advancement in age verification of children and adopting robust diversion mechanism for juvenile reforms.

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Introduction

Since ratification of United Nations Convention on the Rights of the Child (CRC) in 1990, Pakistan is firmly committed to protect the rights of all children, including those in conflict with the law. The enactment of Juvenile Justice System Act (JJSA) in 2018 is one such instance to provide a comprehensive legal framework intended to harmonize national legislation with international human rights obligations. The law entails capital punishment for juveniles, obligates the state for creation of juvenile courts, ensures legal aid, and establishes diversionary mechanisms such as Juvenile Justice Committees (JJs). Despite such significant strides, a noticeable gap between what is written in the law and being practiced has been observed. Studies such as RSIL (2023), State of Children in Pakistan (2025), and Legal Awareness Watch (2021) evident the systematic issues. The core international guidelines such as Beijing Rules that call for ensuring child's dignity, expeditious disposal of justice and effective diversion mechanism and Riyadh Guidelines stress the need to reduce juvenile delinquency through social integration and family support. In addition, The CRC, particularly Article 37, prohibits torture, unlawful detention, and calls for the best interests of the child in all justice proceedings. This study aims to fill this gap by analyzing how duty bearers in the judicial

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procedures perceive the implementation of JJSA 2018 particularly in terms of compliance with CRC, the Beijing Rules, and the Riyadh Guidelines.

Problem Statement

Although the JJSA 2018 provides a progressive legal foundation aligned with global norms, its practical enforcement faces substantial challenges. These range from infrastructure and resource limitations to procedural ambiguities and a lack of awareness among stakeholders. Age verification remains inconsistent, with many children still prosecuted as adults. Juvenile Justice Committees often exist in name only, failing to implement diversion practices. Legal aid, mandated by the Act, is sporadic and unevenly distributed. This disjunction creates serious concerns about Pakistan's compliance with its international obligations and the broader effectiveness of its juvenile justice system.

Study Significance

This study is significant for several reasons. First, it provides an insider perspective by capturing the voices of those directly involved in policy and implementation. Second, it contributes to the growing body of literature on the implementation gap between legal frameworks and ground realities. Third, by offering thematic insights, it identifies specific obstacles and opportunities for reform. Lastly, it supports policymakers, legal professionals, and civil society organizations in shaping more responsive, rights-based juvenile justice policies.

Research Objectives

- ❖ To analyze the perceptions of policymakers and practitioners regarding the implementation of JJSA 2018.
- ❖ To assess the degree of alignment between Pakistan's juvenile justice practices and international human rights conventions.
- ❖ To identify systemic, procedural, and cultural barriers to effective implementation.
- ❖ To propose actionable recommendations aimed at bridging the policy-practice gap in juvenile justice in Pakistan.

Literature Review

International Human Rights Conventions

International human rights instruments form the normative foundation for juvenile justice reforms worldwide. Chief among these are the United Nations Convention on the Rights of the Child (CRC), the Beijing Rules, and the Riyadh Guidelines. Article 37 of the CRC strictly prohibits torture or other cruel treatment, explicitly states that the death penalty shall not be imposed for offenses committed by persons below 18 years of age, and mandates that imprisonment should only be used as a last resort and for the shortest appropriate period (UNCRC, 1989). The Beijing Rules (1985), or the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, emphasize procedural safeguards, such as presumption of innocence, legal aid, timely adjudication, and the use of diversion and non-custodial measures (UN, 1985). The Riyadh Guidelines (1990) focus on prevention, highlighting the role of education, family, community, and youth empowerment (UN, 1990).

These conventions have not only shaped global justice standards but also influenced national reforms. In Pakistan, their influence is seen in the Juvenile Justice System Act 2018 (JJSA), which incorporates many of their core provisions (RSIL, 2023). According to CRIN (2013), however, international obligations remain non-binding domestically unless enacted through national legislation, a challenge for many dualist legal systems like Pakistan's.

Pakistan's Legislative Trajectory

Pakistan ratified the CRC in 1990 and responded with the Juvenile Justice System Ordinance (JJSO) 2000, the first comprehensive law addressing juvenile justice. However, the ordinance was repealed by the Federal Shariat Court in 2005, creating a legal void until the JJSA 2018 was enacted (Legal Awareness Watch, 2021). The JJSA defines a juvenile as any person under the age of 18 and outlines protections including legal aid, separate courts, observation homes, and diversionary mechanisms through Juvenile Justice Committees (JJsCs). It also prohibits death penalties and life imprisonment for minors. The law explicitly aligns with Articles 37 and 40 of the CRC and reflects the principles embedded in the Beijing Rules.

Despite the progressive nature of the JJSA, implementation has remained limited. Reports from RSIL (2023) and Legal Awareness Watch (2021) indicate that most provinces have not fully established the mandated infrastructure. Dedicated juvenile courts remain absent in many districts; observation homes are few and often unregulated; and trained probation staff are largely unavailable, rendering statutory protections ineffective in practice. Ijaz et al. (2021) argue that the legislative journey of juvenile justice in Pakistan has been marked by gaps between policy and practice. The Act itself is a strong document, yet the lack of accompanying Rules of Business has severely impaired its enforcement. This reflects what Shah et al. (2020) describe as “legal ambition without administrative support.”

Implementation Challenges

The most cited challenges in the implementation of juvenile justice laws in Pakistan pertain to infrastructure, training, coordination, and age verification. Probation services, which are meant to play a rehabilitative role, are overburdened and under-resourced. According to SPARC (n.d.), the average probation officer in Punjab oversees more than 100 cases at a time, limiting effective supervision and follow-up. Age determination is another critical issue. Many minors lack birth certificates or school records, and police officers rarely conduct ossification tests or psychosocial assessments. This has led to juveniles being processed as adults, exposing them to harsher penalties and incarceration. CRIN (2013) and RSIL (2023) stress the need for mandatory and standardized age verification protocols.

Legal aid is also inconsistently provided. Although the JJSA mandates free legal assistance for all juveniles, Legal Awareness Watch (2021) notes the absence of legal aid units in most police stations or district bar associations. As a result, many juveniles face trial without adequate representation. Diversion mechanisms through JJsCs are largely inactive. A study by Pakistan Today (2024) revealed that JJsCs in Punjab and Sindh rarely convene due to the absence of training, case referral systems, and performance metrics. This mirrors global concerns raised by Goldson (2005) and Haines & Case (2015) about diversion mechanisms being sidelined when not embedded in the core functions of justice institutions.

Comparative Perspectives and Best Practices

Learning from global best practices, countries that have successfully operationalized juvenile justice reforms share common traits: institutional coordination, political commitment, and data transparency.

In South Africa, the Child Justice Act of 2008 has been commended for integrating diversion, legal aid, and psychosocial support through inter-departmental cooperation (Sloth-Nielsen & Gallinetti, 2011). Besides, Bangladesh had also improved its diversion rate through enactment of Children Act 2013, which set the directions for child-friendly courts, age verification mechanism and engagement of civil society organization for legal aid services.

The model adopted by Norway and Germany is primarily community-based rehabilitation that view juvenile crime as a symptom of social exclusion rather than moral failure (Kivivuori & Piquero, 2021). The major focus of these models are family reunification, technical skills and school integration which remained undeveloped in Pakistan. Taking the example of Indonesia and Tunisia, they have

harmonized their Sharia-compliant juvenile codes with CRC principles, offers insightful models for Pakistan. Thus, the international juvenile justice frameworks suggest that legal reforms are to be indigenous, culturally sensitive, and effective.

Theoretical Foundations and Relevance

The study opted the rights-based and developmental theories of juvenile justice. First of all, Bronfenbrenner's (1979) Ecological Model provided a valuable insight of child development in multilayered systems including family, school, community and socio-political structures. It provides the rationale to assume that a child in conflict with the law is often a victim of external factors that must be addressed holistically, not just judicially. The argument is supported by scholars like Zimring (2005) and Muncie (2008) who emphasized the need for contextualized justice, which tailors interventions to the specific social, cultural, and economic environment of the child. In addition, the diversity of culture, different languages, and variance of administrative structures in provinces further exacerbated the vulnerabilities of the juveniles. Research Studies by Goldson (2009) and Haines & Case (2015) argued that punitive systems based on deterrence are ineffective in reforming youth and instead perpetuate cycles of recidivism. A child-centric, participatory model is more aligned with international norms and the psychological realities of adolescent development.

In a nutshell, the detailed account of literature review indicated the presence of a comprehensive legal framework for juvenile justice in Pakistan in the shape of JSA 2018 which is closely aligned with international obligations of juvenile reforms. However, a wide implementation gap remains, fueled by administrative inertia, weak infrastructure, inadequate training, and poor inter-agency coordination. Thus, this review identifies the urgent need for Pakistan to transition from normative compliance to practical realization of child rights in the justice sector.

Methodology

Research Design

This study employed a qualitative, exploratory descriptive design, situated within the interpretivist paradigm, which prioritizes understanding subjective human experiences and meanings attached to social phenomena (Creswell, 2013). The interpretivist paradigm is the right-fit for exploring perceptions, beliefs and contextual factors. The decision to opt for this paradigm also relied on the similar approaches used by Haines and Case (2015) to examine the implementation of rights-based juvenile justice reforms in the UK. Likewise, Taylor (2011) used interpretive inquiry to assess youth justice transformation in Australia.

Sampling Strategy and Participants

This study employed purposive criterion-based sampling, selecting participants directly involved in juvenile justice governance or implementation. This method allows the researcher to engage with information-rich cases relevant to the research questions (Patton, 2002). A total of 15 participants were selected to reflect institutional diversity and sectoral experience:

Legislators involved in drafting or reviewing the JSA 2018 ($n = 3$). Officials from the Ministry of Law or Human Rights (federal/provincial) ($n = 3$). High Court-appointed juvenile court judges ($n = 3$). Probation officers or directors from social welfare departments ($n = 3$). Advisors or field staff from child rights NGOs such as SPARC and JJANP ($n = 3$).

This approach is similar to qualitative studies on legal reform processes, such as those by Andvig and Saether (2011), who examined anti-corruption law implementation in Africa by interviewing judges, lawmakers, and civil society actors. By drawing from such precedent, this study aimed to balance policy-level insights with ground-level realities.

Participants were anonymized and generically labeled (e.g., "Participant 2-Ministry Official") to ensure confidentiality and candor.

Data Collection Procedures

Data collection took place between April and June 2025. The primary tool used was semi-structured interviews, a method well-suited for exploratory studies as it balances structure with flexibility (Kvale & Brinkmann, 2009). Interview guides were designed around the themes of legislation, implementation challenges, institutional roles, stakeholder training, diversion, age determination, and data monitoring.

Each interview lasted between 45 to 60 minutes and was conducted either in person or through secure online platforms (Zoom or MS Teams), depending on participant preference and availability. All interviews were audio-recorded with prior informed consent and transcribed verbatim to maintain data integrity. The mandatory ethical protocols were observed and participants were informed about study's objectives, their voluntary participation and right to withdraw at any stage. The approach is alligend with study of Weitekamp and Kerner (2002), which explored restorative justice in Europe through field-based interviews with legal professionals.

Analytical Strategy

The transcribed interviews were analyzed using thematic analysis, following the six-phase approach of Braun and Clarke (2006). This approach allowed us to explore the progress of the data in the form themes. Figure 1 depicted proper understanding of the analytical strategy of the transcription.

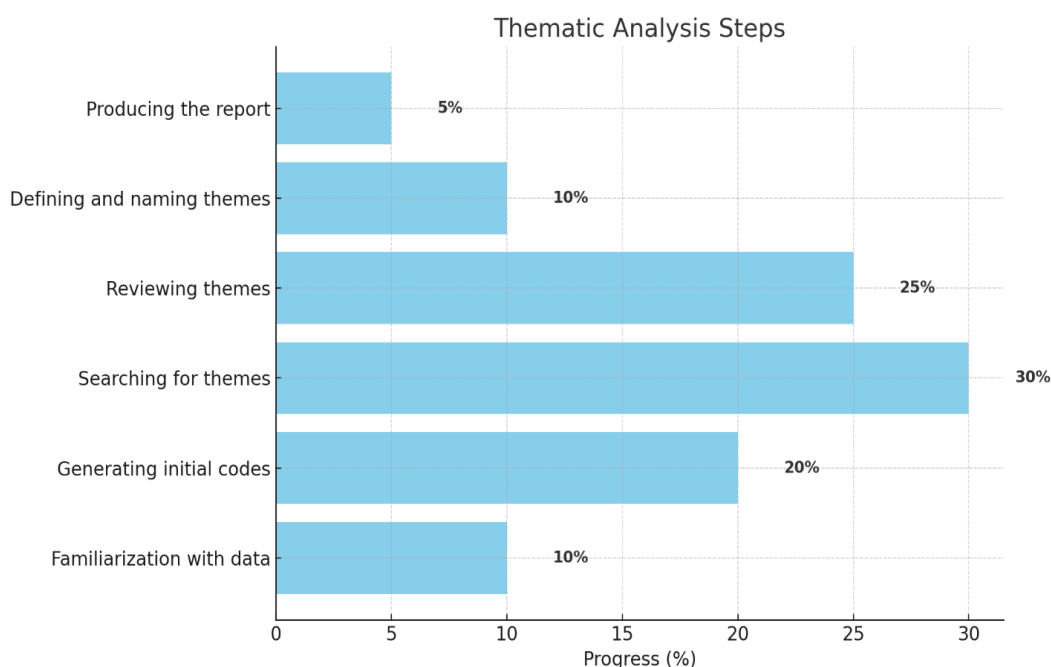


Figure 1: Analytical Strategy Braun and Clarke (2006)

Thematic Analysis and Findings

The findings of the study are categorized into six major thematic areas that emerged from the interviews conducted with the 15 policymakers and practitioners involved in juvenile justice in Pakistan.

Theme 1: Legislative Alignment vs Implementation Gap

Almost all participants agreed that Juvenile Justice System Act (JJSA) 2018 is well-articulated legislation, fulfilling the international commitments such as CRC, Beijing Rules, and Riyadh Guidelines. However, they further added that it is not being implemented with the spirit it was enacted. One Ministry official emphasized this disconnect by stating, *“The Act is well written, but unless Rules of Business are notified and budgets allocated, it remains aspirational.”* This quote captures the essence of the policy-practice gap that characterizes Pakistan’s juvenile justice framework.

A senior judge reinforced this sentiment, expressing frustration over the long delay in establishing juvenile courts: *“Many districts still have no juvenile court even years after the three-month deadline.”* These opinions explain the lack of procedural clarity and budgetary restraints left the JJSA without operational efficacy. The failure to institutionalize the law through enforcement mechanisms undermines its potential and sends mixed signals to implementing agencies.

The implementation gap is not merely bureaucratic but foundational. Without clear operational guidelines, timelines, or accountability structures, the JJSA functions as a symbolic gesture rather than a substantive reform tool. The voices of both ministry officials and judges converge on the reality that despite legislative progress, structural inertia continues to prevent realization of rights.

Theme 2: Infrastructure and Resource Deficiencies

Nearly all participants pointed to insufficient infrastructure as a core impediment to implementing juvenile justice. One NGO advisor highlighted the structural shortfall: *“We’re mandated to have observation homes, but provinces have at most two borstal institutions; most juveniles remain in overcrowded adult facilities.”* This comment illustrates the dangerous disconnect between the mandated standards and on-ground realities, where juveniles are often housed in facilities designed for adults, violating the principle of separation and protection.

Probation officers similarly raised concerns about the absence of legal aid networks. *“Legal aid is supposed to be available to every juvenile under Section 3, but there’s no referral mechanism between police and lawyers,”* noted one probation officer. The lack of coordination between key stakeholders law enforcement, legal professionals, and rehabilitation services creates an environment in which juveniles slip through the cracks. The findings suggest that resource constraints are both financial and institutional. Even where personnel are appointed, they lack facilities, transportation, and operational budgets. In sum, infrastructure deficits severely hamper the implementation of even the most progressive legal provisions.

Theme 3: Age Determination Challenges

The issue of age verification has shown as a critical theme, challenging the protection of juvenile rights. Many participants identified that police often record incorrect ages on First Information Reports (FIRs) to avoid triggering juvenile-specific procedures. As one judge noted, *“Often police record incorrect age on FIRs to avoid triggering juvenile procedures.”* This practice allows for faster case processing but directly violates JJSA mandates and international standards.

Compounding this issue is the absence of credible documentation. *“No ossification tests or official records exist in many areas, so juveniles are treated as adults and sometimes even face death penalty despite JJSA’s prohibition,”* lamented an NGO advisor. This revelation is particularly troubling as it points to systemic failures that could lead to gross miscarriages of justice, including the imposition of capital punishment on minors.

The incorrect age record is not the matter of misclassification but violation of fundamental human rights. In the absence of well-defined, and standardized protocols for age verification, children are routinely exposed to procedures meant for adults – putting children in a situation where their vulnerability is not only overlooked but actively obscured.

Theme 4: Limited Use of Diversion and Community Justice

The JJSA 2018 emphasizes the adoption of diversion and restorative justice mechanisms Juvenile Justice Committees (JJs). Most of the participants unveiled that these mechanisms are practically dysfunctional. One probation officer explained, *“JJs are supposed to refer minor cases to community service, apology, or rehabilitation but they hardly meet, and most cases stay in courts.”* The non-functionality or absence of JJs is also failed to fulfill international norms, but also contradicts the very spirit of the law. It highlights the institutional inertia where nascent structures are created but never implemented. This underutilization also reflects a lack of political will and bureaucratic follow-through, resulting in juvenile justice being reduced to procedural formalism rather than transformative engagement.

Theme 5: Stakeholder Awareness and Cultural Attitudes

It was frequently cited by the participants that duty bearers are ill-capacitated regarding child-friendly protocols and considered it a significant barrier. One legislator noted, *“Police, judges, and prosecutors receive no systematic training in child-rights or trauma-informed procedures.”* This gap in knowledge often translates into hostile or indifferent interactions with juveniles in conflict with the law. Another official stressed the societal dimension of this problem: *“Unless social attitudes change to view juveniles as children needing protection rather than criminals, the law will remain toothless.”* The findings highlight the need for cultural shifts to be aligned with legislative reforms.

This theme also intersects with awareness and cultural attitudes of stakeholders. For instance, limited diversion use is partly explained by stakeholder ignorance. Similarly, flawed age determinations are linked to a lack of training. The findings suggest that systemic change requires sustained capacity-building efforts that reshape professional practice and public perception alike.

Theme 6: Monitoring, Reporting, and Accountability Structures

The final theme relates to the glaring absence of data systems and performance metrics. Participants unanimously criticized the lack of centralized data. *“We have no central dashboard tracking number of juvenile trials, diversions, or age-disputed cases by province,”* stated one legislator.

An NGO advisor similarly noted, *“Reports to CRC working group are generic; they lack disaggregated, accurate data reflecting ground realities.”* This data void severely undermines both policy formulation and compliance reporting. Without reliable information, efforts to improve juvenile justice remain anecdotal and reactive rather than evidence-based and proactive.

This lack of data infrastructure also impairs transparency and accountability. When national and international bodies cannot access verifiable statistics, policy interventions are misaligned or poorly targeted. This theme underscores the need for robust data systems as a cornerstone of juvenile justice reform.

Conclusion

In conclusion, both the federal and provincial governments in Pakistan need to work together right away to fix the problems between the laws and how they are carried out in the juvenile justice system. The lack of the Rules of Business for the Juvenile Justice System Act (JJSA) 2018 has made it hard to carry out its duties, causing uncertainty and a lack of progress. So, to make the Act work, it is important to let everyone know about these laws right away and make sure that everyone knows what their roles and obligations are. Also, resource allocation has to be addressed to make sure that juvenile courts and observation homes have enough personnel and money, as well as important services like legal assistance, probation, and rehabilitation.

To prevent juveniles from being wrongly charged as adults, a consistent, enforced age verification method is essential, alongside comprehensive training for law enforcement on applying the law. By providing operational guidelines and ongoing training to Juvenile Justice Committees, we can ensure their effectiveness and consistent diversion practices. Awareness campaigns and training on child rights, trauma-informed methods, and cultural perspectives should reach all relevant parties, including police and courts.

Establishing a unified data dashboard to track juvenile justice indicators will enhance transparency and accountability. An independent monitoring body will provide necessary checks to ensure the JJSA is implemented properly. By taking these actions, Pakistan can turn legislative intent into concrete measures that protect children and fulfill international commitments.

Recommendations

In light of the above findings, the following recommendations are presented to bridge the gap between legislation and practice in Pakistan’s juvenile justice system:

First, it is imperative that the federal and provincial governments immediately notify the Rules of Business for JJSA 2018. Without these, the Act cannot be operationalized. The rules should clearly

define the roles, responsibilities, and reporting requirements of all stakeholders, including law enforcement, judiciary, probation officers, and Juvenile Justice Committees. The delay in rule notification has led to institutional confusion and stagnation.

Second, resource allocation must become a policy priority. Each district should have a functional juvenile court and at least one observation home. Dedicated budgets should be created for training, legal aid, probation services, and rehabilitation centers. Without financial commitment, legal mandates cannot translate into action.

Third, a standardized age verification protocol must be legislated and enforced. This should include ossification tests, school records, family testimonies, and psychosocial assessments. Police officers should be trained to apply Section 8 of the JJSA correctly, and age disputes should be subject to mandatory judicial review. This will prevent the wrongful trial of minors as adults.

Fourth, Juvenile Justice Committees should be activated through operational guidelines and regular training. Clear procedures, referral forms, and decision-making frameworks should be provided to all JJC members. Furthermore, performance evaluations of judicial and probation staff should include metrics on diversion to ensure institutional buy-in.

Fifth, training and awareness campaigns must be instituted at multiple levels. From police officers to judges, all stakeholders should undergo compulsory training in child rights, trauma-informed care, and international obligations. Public campaigns should also be run to challenge cultural perceptions that stigmatize children in conflict with the law.

Lastly, a centralized data dashboard should be created to capture all juvenile justice indicators including arrests, diversions, age disputes, legal aid usage, and trial outcomes. This data should be publicly accessible and integrated into Pakistan's periodic reporting to international bodies such as the CRC Committee. Additionally, an independent oversight body should be established to audit JJSA implementation and report findings to Parliament, civil society, and international stakeholders. Together, these measures can transform juvenile justice in Pakistan from a legal aspiration into a lived reality, protecting children and fulfilling Pakistan's international commitments.

Author Contributions:

The Conception and design: Zeeshan Muneer. Literature Review, Collection and refined data by Hafsa Mohi Ud Din. Analysis and interpretation of the results: Drafting and Critical revision of the article for important intellectual content by Zeeshan Muneer .

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