

Eighth Open-ended Intergovernmental Working Group Meeting on Prevention of Corruption under UNCAC (21 – 23 August, 2017, Vienna)



PREPARED BY
National Accountability Bureau, Pakistan

PURPOSE

To give an overall synopsis of the efforts of Pakistan towards
Good practices and initiatives for Integrity in Criminal Justice
Institutions to improve transparency, accountability, efficiency
and mitigate risks of corruption.

BACKGROUND

- Adequate legislation as well as strict supervision of superior judiciary in the country ensures transparency and accountability in the process of recruitment, hiring, retention, promotion and retirement of public officials in criminal justice institutions.
- The superior judiciary is governed through Supreme Judicial Council, established under the Constitution of Pakistan, 1973.

BACKGROUND (Contd.)

- The conduct of police is regulated under the Police Order, 2002 and there is no exception from application of Anti-Corruption laws, if found, liable for any act of corruption or corrupt practices.

BACKGROUND (Contd.)

- The conduct of civil servants is regulated through Civil Servant Act, 1973 coupled with Government Servant Efficiency & Disciplinary Rules. The Anti-Corruption laws are applicable to all civil servants, including judicial officers at district level.
- In the recent past, the Supreme Court of Pakistan has taken suo moto actions on illegalities in the recruitments, induction and promotions etc. in the law enforcement agencies i.e. Police, NAB and in the Civil Service, and declared various appointments, inductions and promotions as void.

BACKGROUND (Contd.)

- Through these landmark judgments of the Supreme Court, guiding principles have been laid down to streamline the Civil Service structure of Pakistan and to ensure the transparency and integrity in criminal justice institutions.
- Additionally, the promotions have been linked with successful completion of various promotion courses and for this purpose permanent institutions have been established with high standard of education and scrutiny process e.g. National School of Public Policy (NSPP), National Institute of Management (NIM), National Defence University (NDU).

BACKGROUND (Contd.)

- For judicial officers, National Judicial Academy (NJA) has been established for effective training of judicial officers.
- The confirmation of initial appointments and subsequent promotions have been linked to successful completion of basic and advance courses in these professional institutions / academies established for that purpose.

INTEGRITY / ACCOUNTABILITY IN POLICE / LAW ENFORCEMENT AGENCIES / GOVT. SERVANTS / PROSECUTORS

- Applicability of Anti-corruption Laws on Police / Law Enforcement Agencies / Govt. Servants / Prosecutors
 - The first law passed by the constituent assembly of Pakistan was the Prevention of Corruption Act, 1947. Since then the country has passed a number of laws and established agencies to curb corruption. Some of the laws are:-

INTEGRITY / ACCOUNTABILITY IN POLICE / LAW ENFORCEMENT AGENCIES / GOVT. SERVANTS / PROSECUTORS (Contd.)

1. The prevention of Corruption Act 1947
2. The Public Representatives Disqualification Act 1949
3. The Elected Bodies Disqualification Ordinance 1958
4. The Ehtesab Act 1997
5. The National Accountability Bureau Ordinance 1999
6. National Anti-Corruption Strategy (NACS) was formulated in the year 2002

INTEGRITY / ACCOUNTABILITY POLICE / LAW ENFORCEMENT AGENCIES / GOVT. SERVANTS / PROSECUTORS (Contd.)

- Police Order, 2002.
 - There are 19 Chapters in the Police Order, 2002 and following are the Chapters by which Integrity / Accountability Mechanism is governed:-
 - i. Regulation, Control and Discipline of The Police (Chapter 12)
 - ii. Offences by and Punishments for Police Officers (Chapter 17)

INTEGRITY / ACCOUNTABILITY POLICE / LAW ENFORCEMENT AGENCIES / CIVIL / GOVT. SERVANTS / PROSECUTORS (Contd.)

- Civil Servants Act, 1973 / Establishment Code
 - This is the Act to regulate the appointment of persons to, and the terms and conditions of Service of persons in, the service of Pakistan which covers all the areas of service structure including recruitments, trainings, promotions and internal integrity / accountability mechanism.

INTEGRITY / ACCOUNTABILITY IN POLICE / LAW ENFORCEMENT AGENCIES / GOVT. SERVANTS / PROSECUTORS (Contd.)

□ Prosecution

- Terms and Conditions (TCS) for NAB employees
- All the employees of NAB are bound to abide by the Terms and Conditions mentioned in subject TCS. It also covers all the areas of service structure including recruitments, trainings, promotions and internal integrity / accountability mechanism.

INTEGRITY / ACCOUNTABILITY MECHANISM IN JUDICIARY

- The Integrity / Accountability Mechanism in Judiciary is governed by:-
 - Service Rules for lower judiciary
 - Applicability of Anti-corruption Laws on lower judiciary
 - Supreme Judicial Council

NATIONAL JUDICIAL POLICY MAKING COMMITTEE

- In 2009, Committee formulated a “National Judicial Policy” to ensure speedy and inexpensive justice at grass root level.
- The aim of the policy was to cater to the issues of delay in disposal of criminal as well as civil cases and to monitor the performance of judiciary.

NATIONAL JUDICIAL POLICY MAKING COMMITTEE

- The policy provides guidelines related to:-
 - Remove delays in criminal proceedings
 - Proper monitoring of Prisons to highlight the problems of jail inmates through access of justice.
 - Eradication of corruption within justice sector institutions
 - Fair implementation of relevant criminal laws for justice delivery
 - Develop redressal of grievances mechanism within the justice sector institutions
 - Advancement of forensic facilities
 - Adopt modern trends of witness protection

MONITORING THE PERFORMANCE OF JUSTICE SECTOR INSTITUTIONS

- The performance of judicial and other stake holders of criminal justice sector is being monitored by the Secretariat of Law and Justice Commission of Pakistan in backdrop of National Judicial Policy. The performance is then submitted before NJPMC in its meeting for consideration.
- The stake holders which are being monitored include:-
 - Superior Judiciary
 - Districts Courts
 - Special Courts/tribunals

MONITORING THE PERFORMANCE OF JUSTICE SECTOR INSTITUTIONS (Contd.)

- Police
 - Prisons
 - Prosecution
 - Parole & Reclamation departments of all provinces including Capital Territory.
- Courts provide online category-wise information regarding institutions, disposal and pendency of cases on fortnightly basis on website of each superior court.
- Administrative Tribunal and special courts provide monthly status.

LAW REFORMS INTRODUCED TO ENSURE INTEGRITY / ACCOUNTABILITY IN JUDICIARY

Judiciary

- Existing system of administration of justice has been strengthened by increasing number of judges and judicial officers.
- For expeditious trials the High Courts are examining the possibility of bifurcating the civil and criminal functions of District & Session Judges so that they are assigned responsibilities exclusively for the trial of civil and criminal cases, respectively.

LAW REFORMS INTRODUCED TO ENSURE INTEGRITY / ACCOUNTABILITY IN JUDICIARY

(Contd.)

- Civil and criminal work should be done by rotation so that the judges develop a broader perspective and wider experience of both civil and criminal work.
- The task of process serving in criminal justice system has been assigned to a separate agency under the control of High Courts and District courts. Such agency has been utilized for process serving both in civil and criminal cases.

LAW REFORMS INTRODUCED TO ENSURE INTEGRITY / ACCOUNTABILITY IN JUDICIARY

(Contd.)

- To ensure speedy disposal of cases, the judge to case ratio has been fixed and maintained.
- Judicial officers and court staff are imparted pre-service and in-service training.

LAW REFORMS INTRODUCED TO ENSURE INTEGRITY / ACCOUNTABILITY IN JUDICIARY

(Contd.)

AUTOMATION PLAN

- The NJPMC since its inception emphasized upon automation Plan for judicial institution of Pakistan
- In order to expedite the automation of superior courts and districts judiciary the hon'ble Chief justice of Pakistan / Chairman constituted a National Judicial Automation Committee (NJAC) to chalk out an automation plan of justice sector to improve the service delivery.

APPLICATION OF INFORMATION TECHNOLOGY IN JUSTICE SECTOR (Contd.)

➤ The Aim of committee is:-

- Automation of courts as well as other justice sector organization
- Interlinking of courts
- Online issuance of cause lists
- Case flow management
- Online access to the publications and judgment

➤ Till to date NJAC has achieved various milestones to improve the standards of service delivery and to bridge the gap within the justice sector organizations through automation interlinking.

REFORMS IN POLICE ADMINISTRATION

Police

- For timely submission of challans, the investigation branch of the police has been strengthened. The number of forensic science laboratories increased and courts have taken serious notice of negligence or undue delay/default in timely submission of challan.
- Amongst the number of initiatives taken by police some are given below:-
 - Complaint management system / Online FIR System
 - Criminal record management system

REFORMS IN POLICE ADMINISTRATION (Contd.)

- Police legal affairs monitoring system
- Driving license issuance management system
- Formulation of liaison committees to improve co-ordination between police and civil society
- Regular Inspection and Periodic Audit
- Robust public feedback / complaint system

CHALLENGE TO IMPROVE PRISONS

- Prisons are overcrowded, with prisoners on trial accounting for more than 80 percent of the prison population.
- There have been a number of sustained efforts to address overcrowding and the condition of under-trial prisoners.
- Efforts are on to implement existing codes and procedures.
- The prisons are overcrowded, most of them with prisoners under-trial. The total capacity of all prisons in four provinces is 50,709. However, prisoners housed at present in these prisons are 80,089 which is almost 158 percent of the existing capacity. The highest percentage is that of under-trial prisoners, which accounts for 149 percent.

IMPROVEMENT IN PROSECUTION SERVICES

- There are separate Prosecution departments in all provinces. Prosecution plays an important role in the administration of independent criminal justice. Without successful prosecution, the desired objects cannot be yielded. The role of prosecutors not only commences soon after registration of a case, but it also lasts up to the final verdicts delivered by the criminal court.

IMPROVEMENT IN PROSECUTION SERVICES (Contd.)

- NAB Prosecution while housed under one administrative umbrella is working independently under the Prosecutor General Accountability who is a Statutory office holder with a fixed tenure of appointment
- The conviction rate in NAB in 2016 was 76%

THANK YOU