

Role of External Prison Oversight in Human Rights Compliance in Pakistan

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Abstract

The enforcement of human rights in prison system of Pakistan is facing significant challenges, including overcrowding and inadequate healthcare. External oversight mechanisms are essential for promoting accountability and ensuring compliance with human rights standards. This study examined the role of external prison oversight in enhancing human rights compliance within Pakistani prisons. Employing qualitative research method, data was collected with triangulation technique. Focus group discussion (FGD) was conducted from the group consist of thirteen participants, and additionally the available content on this issue was included for content analysis. Four themes emerged from data including (i) effectiveness of oversight, (ii) barriers to compliance, (iii) prison conditions, and (iv) suggestions for improvement. The study underscored the necessity for comprehensive training for prison staff and the establishment of independent oversight bodies with the authority to enforce reforms.

Keywords: External prison oversight, human rights, Pakistan

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1. Introduction

The enforcement of human rights within prison systems is a pressing global issue, particularly in Pakistan, where systemic challenges hinder compliance with both national and international standards. The role of external prison oversight is increasingly recognized as a vital mechanism for promoting accountability and transparency in prisons. In Pakistan, prisons are often characterized by overcrowding, inadequate healthcare, and reports of abuse, conditions that starkly violate human rights principles (Human Rights Watch, 2023). The Ministry of Human Rights has documented that the prison population frequently exceeds official capacity, exacerbating these issues and leading to widespread human rights violations (Ministry of Human Rights, 2020).

External oversight refers to independent bodies that monitor prison conditions and ensure compliance with human rights standards. The establishment of such mechanisms is critical for fostering an environment where the rights of prisoners are respected and upheld (Naylor, 2021). Research indicates that effective external oversight can lead to significant improvements in the treatment of prison inmates by addressing grievances related to health care, living conditions, and access to legal resources. For instance, the Correctional Service of Canada's Office of the Correctional Investigator has reported thousands of complaints annually, highlighting the need for stronger external mechanisms to address systemic issues within the correctional system (Zinger, 2006).

International frameworks such as the Optional Protocol to the Convention Against Torture (OPCAT) mandate countries to establish National Preventive Mechanisms (NPMs) responsible for monitoring detention facilities. These NPMs must operate independently and possess the authority to conduct unannounced visits and assess treatment conditions for individuals in custody (National Resource Center for



Community Oversight [NRCCO], n.d.). Countries that have implemented such frameworks demonstrate improved compliance with human rights standards, showcasing the effectiveness of external oversight in preventing torture and ill-treatment (NRCCO, n.d.). In addition to national mechanisms, supranational bodies like the Subcommittee on Prevention of Torture engage with countries to ensure adherence to human rights norms. These organizations provide crucial support in establishing effective oversight practices while promoting dialogue between governments and civil society organizations (NRCCO, n.d.).

Despite the potential benefits of external oversight, challenges remain in its implementation within Pakistan. The lack of resources, political will, and public awareness often undermines these efforts. Studies indicate that prisoners are frequently unaware of their rights or the existence of oversight bodies, which limits their ability to seek redress for grievances (Van der Valk & Rogan, 2021). Furthermore, without a clear mandate or authority, oversight bodies may struggle to effect meaningful change within correctional institutions. The role of external prison oversight in Pakistan is not merely a regulatory function; it is essential for advancing justice and ensuring compliance with human rights standards. Strengthening these mechanisms can lead to significant improvements in the treatment of prisoners and contribute to a more equitable society.

2. Theoretical Framework

The theoretical framework for this study is grounded in a synthesis of Michel Foucault's critique of prisons as instruments of social control and contemporary human rights principles. Foucault's analysis posits that prisons serve not only as punitive measures but also as mechanisms of surveillance and normalization, reinforcing societal norms and hierarchies (Foucault, 1977). This perspective is particularly relevant in Pakistan, where systemic issues within the prison system reflect broader societal inequalities. In contrast, international human rights frameworks, such as the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules), advocate for the humane treatment of all individuals, emphasizing that prisoners retain their human rights and should be treated with dignity (United Nations, 2015). The intersection of these two theoretical perspectives provides a comprehensive lens through which to analyze the effectiveness of external oversight mechanisms in promoting human rights compliance within prisons of Pakistan.

Additionally, this study incorporates elements from theory of Ancel on the humanization of criminal punishment, which argues for rehabilitation as a central goal of the penal system (Dreyfus, 2010). Ancel's emphasis on gradual reforms aligns with contemporary calls for prison reform in Pakistan, where external oversight can facilitate a shift towards more rehabilitative practices. By integrating critique of Foucault with human rights principles and focus of Ancel on rehabilitation, this framework will guide the exploration of how external oversight can challenge existing power structures within prisons and promote adherence to human rights standards. Ultimately, this theoretical foundation underscores the importance of enhancing external oversight mechanisms to foster a more humane and just correctional environment in Pakistan.

3. Rationale of the Study

The rationale for this study stems from the urgent need to address the pervasive human rights violations within prison system of Pakistan. Despite existing legal frameworks and international commitments to uphold human rights, reports indicate that prisoners in Pakistan continue to face severe conditions, including overcrowding, inadequate healthcare, and abuse (Human Rights Watch, 2023; Ministry of Human Rights, 2020). These violations not only contravene national laws but also undermine international human rights treaties to which Pakistan is a signatory. The lack of effective external oversight exacerbates these issues, as independent monitoring bodies are crucial for ensuring accountability and transparency in prisons.

Moreover, the implementation of external oversight mechanisms has been shown to improve conditions in prisons by providing a platform for prisoners to voice grievances and by holding prison authorities accountable for their actions (Deitch, 2009; Zinger, 2006). However, the current state of external oversight in Pakistan remains weak and under-resourced, limiting its effectiveness in promoting human rights compliance. This study aims to explore the role of external prison oversight in enhancing human rights compliance within Pakistani prisons, thereby contributing to the broader discourse on prison reform and human rights advocacy.

4. Methodology

This study employed a qualitative research methodology to explore the role of external prison oversight in human rights compliance within Pakistani prisons. The qualitative approach was particularly suited for this research as it facilitated an in-depth understanding of complex social phenomena, such as the dynamics of power, accountability, and human rights within the prison system. By focusing on qualitative data, the study aimed to capture the perspectives of various stakeholders including prison managers, prison psychologists, religious teachers, human rights advocates, and community representatives.

Data were collected through focus group discussions and content analysis. Focus group discussions (FGD) were organized at the conference room of National Academy for Prisons Administration (NAPA) Lahore. FGD allowed for interactive dialogue among participants, facilitating the exchange of ideas and experiences related to prison conditions and oversight practices. Additionally, content analysis was employed to examine relevant documents, reports, and publications related to prison conditions and oversight mechanisms in Pakistan. This included government reports, NGO publications, policy documents, and international human rights assessments. By triangulating data from focus group discussions and available content, the study aimed to provide a comprehensive understanding of the current state of external prison oversight in Pakistan.

5. Data Analysis and Discussion

The analysis of qualitative data collected from focus groups and interviews provided valuable insights into the role of external prison oversight in promoting human rights compliance within prisons of Pakistan. Utilizing thematic analysis, the research identified several key themes and sub-themes that reflect the complexities of prison oversight and the challenges faced in ensuring adherence to human rights standards. This section discusses the recurring patterns that emerged from responses of participants, highlighting their perspectives on the effectiveness of oversight mechanisms, barriers to compliance, and suggestions for improvement. By integrating diverse viewpoints through triangulation, the findings contribute to a nuanced understanding of the current state of prison oversight in Pakistan and offer actionable insights for policy enhancements aimed at fostering a more humane correctional environment.

Table 1: Prison oversight and the challenges to human rights standards

Main Themes	Sub Themes	Verbatim Quotes
Effectiveness of Oversight	Monitoring Practices	"The regular visits by oversight bodies have made a noticeable difference in the conditions here."
	Reporting Mechanisms	"We need more transparent reporting; many issues go unaddressed because they are not documented."
Barriers to Compliance	Lack of Resources	"We simply don't have enough staff or funding to implement all the recommendations from oversight."
	Corruption and Mismanagement	"Corruption within the system undermines all efforts for reform; it's a major obstacle"
Prison Conditions	Overcrowding	"The prison is overcrowded; it's impossible to maintain any standard of living for inmates."

	Health Care Access	“Many inmates suffer from untreated medical conditions due to lack of access to healthcare facilities.”
Suggestions for Improvement	Training for Staff	“Training programs for prison staff on human rights could change how we interact with inmates.”
	Strengthening Oversight Mechanisms	“We need independent bodies with real authority to enforce changes in the prison system.”

The thematic analysis presented in Table 1 highlights critical insights from the qualitative data collected regarding the role of external prison oversight in Pakistan. The main themes and sub-themes reflect the multifaceted nature of prison oversight, revealing both its effectiveness and the significant barriers that impede compliance with human rights standards.

5.1. Effectiveness of Oversight

This theme underscores the positive impact that monitoring practices can have on prison conditions. The quote, “The regular visits by oversight bodies have made a noticeable difference in the conditions here,” suggests that consistent and systematic oversight can lead to tangible improvements within prisons. This finding aligns with existing literature that emphasizes the importance of regular monitoring in fostering accountability and transparency (International Corrections and Prisons Association, n.d.). For instance, a report by the Justice Project Pakistan highlights that effective oversight mechanisms can significantly reduce incidents of abuse and neglect within prisons, reinforcing the need for regular inspections and evaluations (Justice Project Pakistan, n.d.). However, the sub-theme of reporting mechanisms reveals a critical gap: participants expressed a need for more transparent reporting processes. The quote, “We need more transparent reporting; many issues go unaddressed because they are not documented,” indicates that without proper documentation and communication of findings, many problems persist unaddressed, undermining the potential benefits of oversight. This aligns with findings from Human Rights Watch, which noted that inadequate reporting systems contribute to a culture of impunity within Pakistani prisons (Human Rights Watch, 2023).

5.2. Barriers to Compliance

The theme highlights two significant challenges such as lack of resources and corruption and mismanagement. The quote, “We simply don’t have enough staff or funding to implement all the recommendations from oversight,” illustrates how resource constraints hinder the effectiveness of oversight mechanisms. This lack of resources not only affects the implementation of recommendations but also contributes to overall systemic inefficiencies within the prison system. According to Sifarish and Liaqat (2023), prisons in Pakistan are heavily overpopulated and understaffed, creating an environment where effective oversight is nearly impossible. Furthermore, corruption is identified as a major obstacle, as indicated by the quote, “Corruption within the system undermines all efforts for reform; it’s a major obstacle.” This finding resonates with broader concerns about governance and accountability of public institutions in Pakistan, suggesting that without addressing corruption, efforts to improve human rights compliance may be futile. The United Nations Office on Drugs and Crime has also pointed out that corruption exacerbates issues related to overcrowding and mismanagement within prisons (United Nations Office on Drugs and Crime, n.d.).

5.3. Prison Conditions

This theme focuses on critical issues affecting well-being of prisoners. The sub-theme of overcrowding is highlighted by the quote, “The prison is overcrowded; it’s impossible to maintain any standard of living for inmates.” Overcrowding not only exacerbates existing problems but also creates new ones, such as increased tension among inmates and inadequate access to basic necessities. Reports indicate that many Pakistani prisons operate at over 150% capacity, leading to dire living conditions (Human Rights Watch, 2023). Additionally, the sub-theme of health care access reveals a significant gap in medical care for prisoners. The quote, “Many inmates suffer from untreated medical conditions due to lack of access to healthcare facilities,” emphasizes that inadequate healthcare services contribute to deteriorating conditions within prisons, further violating the rights of prison inmates. The World Health Organization has reported alarming health crises within Pakistani prisons due to overcrowding and neglect (World Health Organization, n.d.).

5.4. Suggestions for Improvement

The theme presents actionable insights from participants on how to enhance external oversight mechanisms. The need for training for staff is emphasized with the quote, “Training programs for prison staff on human rights could change how we interact with inmates.” This suggests that equipping staff with knowledge about human rights can foster a more respectful and humane environment within prisons. Akbar and Bhutta (2012) indicate that comprehensive training programs are essential for improving staff performance and ensuring adherence to human rights standards. Additionally, participants called for strengthening oversight mechanisms, as indicated by the quote, “We need independent bodies with real authority to enforce changes in the prison system.” This highlights a demand for greater autonomy and power for oversight bodies to implement reforms effectively. Reports from various commissions emphasize that independent monitoring is crucial for ensuring accountability in prison management (Oxford Law Blogs, 2022).

6. Conclusion

The present study analyzing external prison oversight in Pakistan reveals both significant achievements and critical challenges that must be addressed to improve human rights compliance within prisons. The role of external prison oversight is increasingly recognized as a vital mechanism for promoting accountability and transparency in these institutions. Effective oversight mechanisms, as highlighted by participants, underscore the positive impact of regular monitoring on prison conditions. However, the need for more transparent reporting processes remains a pressing concern, as inadequate documentation hinders accountability and perpetuates a culture of impunity. Furthermore, barriers such as resource limitations and systemic corruption severely undermine the capacity of oversight bodies to implement necessary reforms. Overcrowding and insufficient healthcare access exacerbate the dire conditions faced by inmates, contributing to a cycle of neglect and human rights violations.

To foster meaningful change, it is essential to prioritize comprehensive training for prison staff and empower independent oversight bodies with the authority to enforce reforms. Establishing independent bodies capable of conducting unannounced inspections is crucial for accountability. Increasing public awareness about the rights of prisoners will empower inmates to seek redress for grievances. Adequate funding for oversight bodies will enable effective operations, while developing transparent reporting mechanisms will facilitate timely interventions. Engaging with international frameworks such as the Optional Protocol to the Convention Against Torture (OPCAT) can provide additional support for establishing robust oversight practices. By considering these actionable recommendations, stakeholders can work collaboratively to create

a more humane and effective prison system that upholds the dignity and rights of all individuals incarcerated in Pakistan.

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