

REDUCING PRISON OVERCROWDING

POLICY BRIEF

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OCTOBER 2026

EXECUTIVE SUMMARY

Pakistan cannot resolve prison overcrowding through construction alone. Its prisons hold **110,513 people against an authorised capacity of 68,832**. Under-trial prisoners alone – constituting 75.09% of this population at 82,988 – exceed that capacity, making detention before conviction central to the crisis.

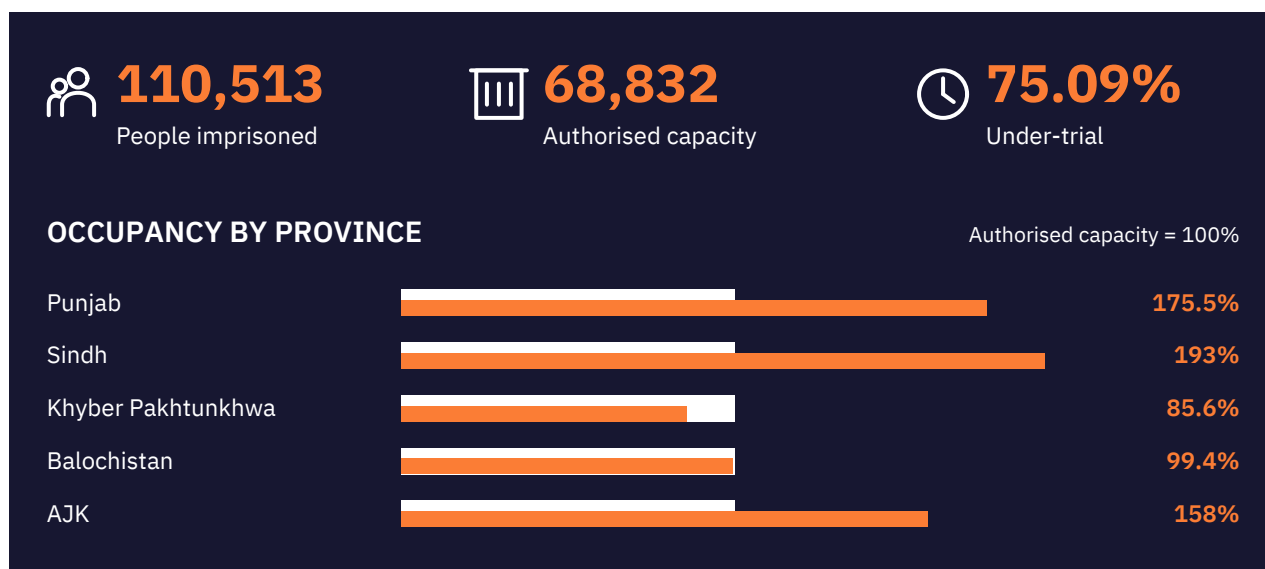
Overreliance on arrest and detention, delayed proceedings and inaccessible bail increase admissions and prolong custody. Punitive drug laws add further pressure through mandatory sentences and restrictions on release. Women and children face particular harm where legal assistance and statutory safeguards fail.

Provincial experience demonstrates that reducing overcrowding is possible through judicial case review, probation and parole.

The uneven level of prison growth across provinces highlights the need to expand existing community based alternatives and review laws and policies that drive unnecessary incarceration. Meanwhile, overcrowded facilities require immediate investment in healthcare, sanitation and safe accommodation.

The National Action Plans for Prison Reform and Human Rights, alongside the Islamabad Declaration, provide a framework for coordinated action. Implementation must assign responsibilities, fund services and measure results through **fewer unnecessary detentions, shorter periods in custody and safer prison conditions**.

PAKISTAN'S PRISON CRISIS AT A GLANCE



1. Overcrowding Driven by Pretrial Detention

Pakistan's overcrowding crisis is substantially attributable to the high proportion of the undertrial incarceration, as the number of undertrial prisoners alone exceeds the authorised jail capacity by 14,156. Pakistan holds 82,988 under-trial prisoners (75.09% of the prison population) against a total authorised capacity of 68,832. Aggressive law enforcement practices increase the number of prison admissions; delayed investigations, repeated adjournments, inadequate legal assistance and inaccessible bail prolong detention; low implementation of the limited non-custodial measures available to the judiciary ensure that the justice system is overreliant on imprisonment. Overcrowding therefore reflects both the use of custody before conviction and the failure to review or end it promptly.

Children's detention shows how failures to implement legal safeguards translate into imprisonment. Of Pakistan's 1,170 imprisoned children, 86.41% have not been convicted yet. Although the Juvenile Justice System Act provides for bail and diversion, the NCRC reports only eight Juvenile Justice

Committees and 13 juvenile courts nationwide.¹ An NCHR inquiry at Adiala found that **79 of 82 children were under trial and 29 had no lawyer**; its intervention subsequently secured **75 releases**.² This demonstrates the practical importance of legal representation and judicial review. Children should not have to depend on an exceptional intervention to obtain protections already available in law.

Women face similar barriers, with consequences extending to their families. Their prison population increased from 1,534 in 2024 to 2,239 in 2026—a rise of almost 46%, compared with 8.3% growth in the overall prison population. In Punjab and Sindh, approximately **four in five imprisoned women are under trial**.¹ Growing detention makes early assessment of legal eligibility for release and consideration of factors like coercion, health and caregiving responsibilities essential. Where these circumstances are overlooked, pretrial custody can separate children from their primary caregiver and expose already vulnerable households to further hardship before guilt has been determined.

1. National Commission on the Rights of Child, The State of Children in Pakistan 2025, pp. 177–178, nchr.gov.pk/wp-content/uploads/2026/05/State-of-Children-2025.cdr_.pdf.

2. National Commission for Human Rights, Torture and Custodial Death, section "Juvenile Justice at Adiala Jail" (n.d.), nchr.gov.pk/torture-and-custodial-death/.

International human rights law requires pretrial detention to be the exception, rather than the general rule. Article 9(3) of the ICCPR establishes that detention pending trial should not be the general rule.³ Decisions to detain should instead reflect an individual assessment of whether custody is necessary and proportionate. Similarly, UN Systems Common Position on Incarceration identifies as a priority the restriction of pretrial detention and availability of non-custodial measures.⁴

These obligations require individual assessment at remand, regular review of

continued custody and effective access to representation and release. **With more than 82,000 people imprisoned before conviction, decongestion must address who genuinely needs to remain detained and for how long.**

When the under-trial population alone exceeds Pakistan's entire prison capacity, any credible decongestion strategy must begin with systemic reform to reduce pretrial detention.

2. Drug-related incarcerations are driving prison population growth

Punitive drug laws are accelerating prison growth, with most narcotics prisoners detained before conviction. Pakistan holds **28,161 prisoners under narcotics laws**—an increase of 43.4% since 2023—with approximately 81% under-trial. Drug cases now account for more than one-quarter of all prisoners. The scale of under-trial detention under drug laws shows that the pressure extends well beyond convicted prisoners serving sentences. Globally, those detained for drug-related offences are often low-level

offenders, such as persons who use drugs or who have drug use disorders, drug couriers or small-scale dealers.⁵

This trend is reflected in Pakistan, as the Control of Narcotics Substances Act (CNSA) 1997, as well as provincial CNSAs, prescribe punishments based on the type of substance and quantity, without distinguishing drug use, drug dependence, and low-level involvement from organised trafficking.

3. "Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement."

4. United Nations System - Common Position on Incarceration, https://www.unodc.org/res/justice-and-prison-reform/nelsonmande-larules-GoF/UN_System_Common_Position_on_Incarceration.pdf

5. UN Common Position on Incarceration, https://www.unodc.org/documents/justice-and-prison-reform/UN_Common_Position_2026.pdf

The legal framework compounds this pressure at both remand and sentencing. The **2022 federal CNSA amendments introduced mandatory minimum sentences and restricted probation, parole and remission for most convicted prisoners.**⁶ Penalties depend heavily on substance and quantity, giving insufficient weight to a person's role, circumstances or involvement in organised trafficking. Provincial legislation has added further barriers. Sindh's 2024 narcotics law initially prohibited bail; by May 2025, **9,676 cases were pending while the special courts required under the Act had not been established.** Currently, narcotics offences constitute one of the largest offense category with 5134 prisoners.

Similarly, Punjab's 2025 CNSA severely restricts the application of bail, which has led to an increase of 5,212 prisoners in one year; from 13,331 in 2024, to 18,543 in 2026. Narcotics offences are now by far Punjab's largest offence category.⁷

Drug-law reform is therefore essential to reducing overcrowding, as well as

addressing the host of human rights violations potentially arising from pretrial detention. Increasing enforcement under this framework risks causing further surge in the prison population without distinguishing serious trafficking from drug use or low-level involvement. Reform must address both detention before conviction and custodial sentencing: accessible bail, proportionate penalties, restored eligibility for non-custodial measures and voluntary treatment where drug dependence is involved. **The Office of the High Commissioner for Human Rights (OHCHR)** has likewise identified disproportionate imprisonment for drug offences as a driver of overcrowding.⁸

Reducing overcrowding therefore requires drug laws and practices that distinguish between drug use, low-level involvement and trafficking, and that make proportionate sentencing, treatment, diversion and other non-custodial responses genuinely available.

3. Provincial experience shows that reductions are possible

Pakistan's own experience shows that prison populations can fall when institutions actively review detention and use alternatives to imprisonment. Between 2024 and 2026, KP's under-trial population fell from **10,696 to 8,874—a reduction of 1,822, or 17%.** This accounted for almost the

entire prison-population decline in KP. This finding offers further a learning opportunity for other provinces as to where substantial reductions are possible: examining how using non-custodial measures and facilitating lawful release can relieve overcrowding without waiting for new prisons.

6. Control of Narcotic Substances (Amendment) Act, 2022, https://senate.gov.pk/uploads/documents/1663142723_815.pdf

7. Government of Punjab, Punjab Control of Narcotics Substances (Amendment) Act 2025, Act XC of 2025, Punjab Gazette (12 Nov. 2025), punjablaws.punjab.gov.pk

8. Human Rights challenges in addressing and encountering all aspects of the world drug problem, A/HRC/54/53 <https://docs.un.org/en/A/HRC/54/53>

Judicial intervention has produced concrete results. Over three months in 2024, **camp courts in KP secured the release of 1,289 prisoners charged with minor offences.**⁹

Bringing judicial review into prisons helped identify cases in which continued detention was unnecessary. This exercise cannot explain KP's entire decline, but it demonstrates the value of systematic case review, supported by prison records and coordination between judges, prison authorities and legal aid providers.

Community supervision already operates at considerable scale, but its use differs sharply across provinces. Punjab had **39,358 people on court-ordered probation in July 2026**, demonstrating that non-custodial sentencing is an established domestic practice. Parole presents a different picture: in 2024, KP reported **1,605 releases**, compared with **seven in Punjab and none in Sindh.**¹ Probation caseloads and annual

parole releases measure different things, but together they expose an important imbalance: mechanisms that prevent imprisonment or facilitate supervised release are being used extensively in some settings and scarcely at all in others.

The priority is therefore to strengthen and expand functioning mechanisms, rather than treat alternatives as an entirely new system. Courts need timely assessments of eligibility; probation and parole services need sufficient staff, rehabilitation services and reliable supervision; and provincial governments must remove administrative barriers to referrals and release. Outcomes should be tracked through detention periods, placements, completion and reoffending.

Where lawful alternatives remain inaccessible or unused, provinces continue to bear the financial and human costs of imprisonment that could have been avoided.

4. Pakistan cannot build its way out of the crisis

Planned prison expansion will leave a substantial capacity deficit even if prisoner numbers stop growing. Punjab aims to increase its authorised capacity to **43,718 by 2027.**¹⁰ Against its current population of **68,726**, this would still leave **25,008 prisoners above capacity.**

Meanwhile, overcrowding is overwhelming essential services. Central Prison Karachi and

District Prison Malir together hold 12,587 people against a combined capacity of 4,600—approximately 274% occupancy. Toilets, water supplies, kitchens and healthcare must serve nearly three times their intended population. JPP's interviews indicate that some prisons have **one toilet for approximately 30 prisoners**, with lice, scabies and other skin conditions common. Overcrowding makes hygiene, infection

9. Law and Justice Commission of Pakistan, Press Release on the Consultative Meeting on Prison Reforms in Khyber Pakhtunkhwa (22 Nov. 2024), ljcp.gov.pk.

10. Associated Press of Pakistan, Punjab's Jails Be Converted into Reformatories: CM Maryam (3 July 2026), app.com.pk/punjab/punjabs-jails-be-converted-into-reformatories-cm-maryam/.

11. "Overcrowded prisons in Punjab pose serious health hazards to inmates" Article, The Express Tribune (Jan 2026). <https://tribune.com.pk/story/2589934/overcrowded-prisons-in-punjab-pose-serious-health-hazards-to-inmates>

control and timely treatment much harder to maintain, a fact acknowledged by the Punjab Health Department itself.¹¹ These pressures affect prisoners and staff immediately; they cannot await the completion of construction projects or longer-term legislative reform.

Additional expenditure must therefore fund both population reduction and safe living conditions. Sindh's prison budget increased by 20.8% in 2025–26, yet announced measures have focused heavily on staffing, security and additional capacity instead of systemic reform to reduce overincarceration and decongesting prisons. These are legitimate needs, but a larger budget does not establish that prisoners have better access to water, sanitation, medicines or clinical care. Prison-level expenditure and service data are needed to establish whether investment reaches the facilities under the greatest pressure.

The UN System Common Position on Incarceration recognises that governments confronting overcrowding should prioritise measures to reduce prison populations alongside investment in the institutions and services necessary to make non-custodial measures effective.

Article 10 of the ICCPR requires humane treatment of everyone deprived of liberty, while Article 12 of the ICESCR recognises the right to health.¹² Meeting these obligations requires immediate improvements to sanitation, ventilation, bedding, medical staffing and uninterrupted treatment alongside measures to reduce unnecessary detention. **Decongestion and essential services must be funded together: fewer prisoners will ease demand, but those remaining in custody cannot be left in unsafe conditions while reform takes effect.**

5. Implementation: Turning national commitments into measurable reform

Pakistan now has national commitments on prison reform; implementation must connect them to budgets, institutional responsibilities and measurable reductions in unnecessary detention.

The **National Action Plan for Prison Reform**, presented at the National Conference on Prison Reform on **2 July 2026**, sets out judicial, executive and legislative measures to reduce under-trial detention and improve prison conditions. Its priorities include CNSA reform, alternatives to imprisonment,

in-prison court proceedings and coordination between courts, police, prosecutors, prisons and legal aid providers.¹

The **Islamabad Declaration on Prison Reform**, adopted at the conference, records the commitment of federal and provincial leadership to a coordinated reform programme. It provides a basis for time-bound provincial implementation plans and accountability for progress, including on bail, legal aid, community supervision and humane detention.²

¹¹. "Overcrowded prisons in Punjab pose serious health hazards to inmates" Article, The Express Tribune (Jan 2026). <https://tribune.com.pk/story/2589934/overcrowded-prisons-in-punjab-pose-serious-health-hazards-to-inmates>

¹². United Nations, International Covenant on Civil and Political Rights, art. 10, ohchr.org; United Nations, International Covenant on Economic, Social and Cultural Rights, art. 12, ohchr.org.

The **National Action Plan for Human Rights 2026**, launched on **22 July 2026**, reinforces this agenda through assigned responsibilities, timelines and indicators. Its prison-related commitments cover revision

of prison rules, independent inspections, monitoring committees, staff training and annual reporting.³ Together, these frameworks provide the basis for the following implementation priorities:

Priority action	Responsible institutions	Measure of progress
Review prolonged under-trial detention. Conduct regular prison-based case reviews, prioritising statutory bail eligibility, excessive detention periods and prisoners without representation.	High Courts; district judiciary; prosecution services; prison departments; LAJA and provincial legal aid bodies.	Median duration of under-trial detention; cases reviewed; release orders implemented; changes in the under-trial population.
Make lawful release accessible. Review unaffordable sureties, provide early legal assistance and establish procedures to ensure bail orders result in release.	Courts; legal aid bodies; prison departments; provincial governments.	Time between bail order and release; prisoners remaining detained after bail; access to legal representation.
Reform drug laws that drive imprisonment. Review mandatory custodial penalties and restrictions on bail, probation, parole and remission; provide proportionate responses to low-level involvement and voluntary treatment for drug dependence.	Federal and provincial legislatures; law, home and health departments; prosecution services.	Legislative amendments; use of non-custodial measures; duration of detention and prison population in narcotics cases.
Expand functioning alternatives. Strengthen probation and parole services, establish functional Juvenile Justice Committees and ensure courts receive timely eligibility assessments.	Provincial governments; courts; probation and parole directorates; child-protection authorities.	Referrals and placements; functional committees; staffing and caseloads; completion and reintegration outcomes.
Improve essential services in the most crowded prisons. Fund reliable water, sanitation, bedding, medical staffing, medicines and referral arrangements alongside decongestion.	Provincial home, prisons, health and finance departments.	Prison-level service coverage; medical vacancies; medicine interruptions; disease prevalence and deaths in custody.
Publish results and strengthen oversight. Adopt provincial implementation plans, support independent inspections and publish annual prison reports with comparable data.	Provincial governments; Ministry of Human Rights; NJPMC/LJCP; NCHR and other oversight bodies within their mandates.	Published plans and budgets; inspection findings and corrective action; trends in admissions, releases, occupancy and detention duration.

Progress must be demonstrated through fewer unnecessary detentions, shorter periods in custody and safer prison conditions—not simply the number of meetings, trainings or facilities announced.



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