

NEWSLETTER dition

م مرک شادی کی روک قدم کے حوالے سے قانونی دینھائی ماہر دکتاہ سے منت مشورے کے لیے کال کریں۔ 0800-70806

) مری میں چوں کی شادیاں کروانے سے تعمل کریز کریں۔ اخد

"No nation can rise to the height of glory unless your women are side by side with you. We are victims of evil customs. It is a crime against humanity that our women are shut up within the four walls of the houses as prisoners. There is no sanction anywhere for the deplorable condition in which our women have to live."

YOMEN'S RIGHT

~ Muhammad Ali Jinnah



INCREASING LEGAL EMPOWERMENT IN PAKISTAN

Editorial Section: Barrister Haya Emaan Zahid (Chief Executive Officer, LAS)

he coronavirus pandemic poses extreme challenges for both the justice seeker and the justice dispenser alike. After 9 months of battling the virus, it appears that codes of conduct for the new-normal modus-operandi of justice institutions have been resurrected. However, these methods of emergency-response will need constant monitoring and revision to ensure the constitutional order and democratic principles are not undermined with the imposition of restrictions.

Despite the suspension of courts for numerous weeks during the first wave of the pandemic, we have failed to leverage technology for e-solutions in courtrooms.

"What's true of all the evils in the world is true of plague as well. It helps men to rise above themselves. All the same, when you see the misery it brings, you'd need to be a madman, or a coward or stone blind, to give in tamely to the plague." ~ Albert Camus, The Plague

The crisis has additionally

flagged the need to address the rise in sexual and gender-based violence and has exacerbated existing inequalities between citizens owing to wealth disparities and power dynamics. In light of the above, the Legal Aid Society has endeavored to remain functional through leveraging remote and technology-based solutions. We have sought to tailor traditional approaches for working in areas relating to women's empowerment, alternative dispute resolution, religious minorities, and early, child and forced marriages along with other forms of gender-based violence.

Sindh Legal Advisory Call Centre has The expanded its outreach and more partnerships

are being entered into to create referral pathways and better-coordinated efforts for facilitating justice seekers. LAS has more recently engaged in a series of strategic litigation to address the nonfunctionality of protection ad

safety nets & justice mechanisms. We will continue to work closely with the judiciary, pro bono lawyers, civil society actors, community-based paralegals, human rights institutions, & ombudspersons' offices to ensure that no one is left behind.

Sindh Legal Advisory Call Centre: Legal Empowerment at the Fingertips of Citizens (0800-70806)

he Sindh Legal Advisory Call Centre(SLACC) is being run in partnership with the Law Department of the Government of Sindh since 2018. The service has received 13,790 calls, and has responded to 8,142 legal queries from

October to December 2020. Citizens from across 126 cities, towns, and villages across Pakistan were provided with free legal advice by qualified and experienced high court enrolled lawyers.



Legal query categories

Our Collaborations

Partnering with Careem



SLACC teamed up with Careem to fight injustice by increasing legal awareness and disseminating messages with legal information. A Memorandum of Understanding (MoU) was signed with Careem on December 8, 2020, in Karachi at their headquarters. Together, Legal Aid Society and Careem have taken a pledge to bring about betterment in society through legal empowerment interventions.

Research with PILER

Pakistan Institute of Labour Education and Research (PILER) conducted a focus group discussion for researching the impact of COVID-19 on textile workers in Pakistan. The meeting was led by Ms. Zeenia Shaukat (PILER) with active participation from lawyers working at SLACC. After analyzing anecdotal data, SLACC legal advisors discussed their experience of attending calls of textile workers during the first wave of COVID-19.





A Comprehensive TNA (Training Needs Assessment) of the Sindh Police





he study employed a multi-method e x p l o r a t o r y qualitative design.

The findings were then compiled in the form of a comprehensive report, which has been endorsed by Mr. Mushtaq Mahar, Inspector General Sindh Police in December 2020. AS commenced working on a comprehensive training needs assessment of Sindh Police in September 2019. The exercise included multiple methods such as literature review of existing police training curriculum, a series of Focus Group Discussions (FGDs), and Key Informant Interviews (KIIs) with key senior police officers, trainers in police training institutions, trainees, and police officers of all ranks deployed in the field, and included direct observations in KIIs.



n addition to this, LAS was requested to prepare a proposal for curriculum development in discrete areas based on key recommendations of the TNA. LAS is currently working on developing curricula on

- 1. Communications
- Human Rights and vulnerable populations.

The Sindh Police has also notified their focal persons to work with LAS consultants on the curriculum reform on November 17, 2020.





Enhancing the Competencies of Criminal Justice Providers

rom November to December 2020, LAS organized capacity-building workshops, aimed at enhancing respective competencies and skillsets of key criminal justice actors in Sindh, with the ultimate objective of filling identified gaps in the dealing of rape and sodomy cases. These workshops were uniquely designed to cater to the core competencies and values of three distinct groups of actors within the criminal justice system: the police; the prosecutors; and the judiciary. Identification of core competencies, together with protracted gaps and delays identified through a gap analysis conducted by LAS on fifty cases of acquittals in rape and sodomy cases in Sindh, fed into developing a targeted training curriculum.



Particularly with regards to attitudes and perceptions, LAS noted an **8-percentage point** increase in the proportion of judges, **9-percentage point** increase in the proportion of investigation officers, and **50-percentage point** increase in the proportion of prosecutors reporting that victim's sexual history will have no bearing on victim's credibility as a witness. Improvement in the knowledge onf legal provisions was also observed across all three groups.



LAS trained 7 prosecutors, 27 judges of GBV courts, and 22 Investigation Officers. Given the success of the trainings and continued demand, future training workshops will also be organized.

he curriculum was designed such that trainings for each individual group were divided into two days with natural progression from general discussions on rape and sodomy, its psychological impact, and societal perception more specific, competency-based the role the group must play in its investigation, prosecution, or judgement.

Analysis of data retrieved from the pre and postassessments indicates significant improvements in certain areas of law and its application, along with improvement in general attitudes and perceptions towards victims and survivors of genderbased violence.





Assisting Women to obtain their Rights to Property



Pakistan ranks 151 out of 153 on the World Economic Forum's Global Gender Gap Index 2020 and 150 in the Economic Participation and Opportunity Index. Only 18% of Pakistan's labor income goes to women, while economic opportunities for women in Pakistan are limited. According to a study conducted by Ahmed et al. (2012), in KPK's Lakki Marwat district, 62% of a district's residents concurred to women's (daughters) rights of inheritance in principle, while only 13% believed they would give them these rights, and only 6.71% believed that their daughters should have the power to manage these rights.



In light of the above, LAS organized a '5 Day Paralegals Training' from 28th December 2020 to 1st of January 2021, at the Pakistan Society for Training and Development, Karachi, to train and educate selected female paralegals about the significance of women's rights to legal property, through various activities and discussions. The training was led by Certified Paralegal Trainer Ms. Angbeen Mirza.



various ways in which women (and transgender individuals) can own property through the means of inheritance, gifts, and wills. The topics of training ranged from: the shares of inheritance in Muslim, Hindu, and Christian religions, dowry, divorce, khulla, along with their rights in the nikkahnama. This was followed by related group activities & role-plays. While administrative hurdles in obtaining documents and other legal processes were also discussed in detail.



isconceptions about women's incapability property manage their insufficient Women Pakistan are seldom included in important decisions. The exclusion comes at the back of their weaker social status and other relations. On most occasions, it is found that women are allowed to exercise this members transferred women's property among to inherit or own property.

LAS is making such efforts to protect women socially and economically, which is being done by spreading awareness and ensuring that women are legally equipped with the knowledge to maneuver through the justice sector to claim their legal property rights.

The training focused on the

Collaborating with Sharmeen Obaid Chinoy Films

espite the Constitution allowing women the absolute right to own, acquire, inherit and control property, women's access to property is hampered by a complex legal framework that is inaccessible to the average citizen, patriarchal values that lead to inequitable results, and often lack of implementation of laws would benefit women. It is, therefore, necessary to understand the legal regime, and to work with women in vulnerable communities, to raise awareness of ways by which the law can be utilized to benefit women in Pakistan.

LAS is working together with Sharmeen Obaid Chinoy Films to launch a countrywide communications campaign to further legal awareness around women's legal right to property. LAS and SOC shall develop short animated explainer-videos in 8 regional languages and will use mobile cinemas in 37 districts across 3 provinces to hold multiple screenings.



Partnering with Musawah

AS is also collaborating with Musawah which is a global movement that seeks to amplify women's voices at the regional and international levels for equality and justice in the Muslim family with its Head Office in Kuala Lampur, Malaysia. Musawah and LAS will introduce the concept of women's right to marital property into action, as lawyers across the country will be sensitized and trained on the strategic use of evidence-based literature developed under this project in their cases relating to women whether



falling under personal, constitutional, property or any other relevant law.

We hope that precedents of this kind will go a long way to create a legal culture recognizing women's contribution in the household, and their right to marital property.



Strengthening Special Protection Measures in Gender Based Violence Courts

AS; with the approval of the District and Session Judge of Karachi East; has started renovation work for establishing a separate waiting room for victims and witnesses at the Gender-Based Violence Court in District East, Karachi. The waiting room will be inaugurated in January 2021.



Launching the Legal Aid Providers Directory with Sindh Commission on the Status of Women

o provide victims of sexual and gender-based violence with fair access to justice, the Free Legal Aid Providers Directory was developed and launched in collaboration with Sindh Police, Sindh Commission on the Status of Women (SCSW), and Women Developments Department (WDD), Government of Sindh on November 18, 2020, at the Karachi Press Club.

The Directory provides a list of lawyers, individuals, and institutions working to provide free legal assistance to victims of sexual and gender-based violence in districts of Karachi, Hyderabad, and Sukkur. It is developed in a manner that is userfriendly and is developed with the consent of legal aid providers and in coordination with the Karachi, Hyderabad & Sukkur Bar Associations.

The launch event was attended by Chairperson SCSW, Representatives from the Government of Sindh, LAS, along with some renowned journalists such as Ms. Zubeida Mustafa who was the Guest of Honor. The directory has been successfully disseminated at Women Protection Cells, Public Facilitation Centers, and selective Police Stations located in Karachi, Hyderabad, and Sukkur by the Sindh Police.



Communications Campaign for Victims and Survivors

O ftentimes, victims of gender-based violence encounter misinformation and receive a lack of guidance on how they can receive justice in their case. To accentuate the abundance of awareness campaigns and materials available for victims of gender-based violence, LAS has developed Information, Education and Communication (IEC) material in collaboration with the Sindh Police, Sindh Commission on the Status of Women and Women Development Department, Government of Sindh. The material contains simplified lists of do's and don'ts during the circumstances where victims encounter the police, medico-legal officers, lawyers, and courts during their cases. The IEC material will be distributed at relevant police stations and medico-legal clinics – all of which are important locations for the victims to receive relevant awareness.

Violence against women remains one of the most widespread violations of human rights across the world. Rape, in particular, is an underreported crime with an extremely low conviction rate. According to data received by Sindh Police, 280 cases of rape and 223 cases of sodomy were recorded in 2018. Whereas, the data shared by Police Surgeon Office Karachi states that 411 cases of rape and 146 cases of sodomy were reported by medico-legal centers only in Karachi. To increase awareness and prevent the stigma attached to sexual violence, LAS developed a short animated video in collaboration with the Sindh Commission

SCSW

on the Status of Women (SCSW) and Women Development Department (WDD), Government of Sindh which acts as a guidance tool for victims of sexual violence, allowing them to take the first crucial steps according to their specific cases. The video walks the victim through the process of filing an FIR, important factors to note, and contingencies in the case a police officer is not fulfilling their responsibility.

Victims of sexual violence are not at fault, and it is the responsibility of all essential service providers to work towards speedy justice.

Scan or click (if you receive a soft copy of the newsletter) this QR code to see the video



Also subscribe to our YouTube Channel: www.youtube.com/LegalAid





Ensuring Equality of Citizens

AS lawyers are providing free legal aid and assistance to various members of religious minority communities in securing their rights. LAS has pledged to take on 200 cases from religious minority communities in which we shall provide free legal aid and advice. LAS aims to identify the barriers to justice faced by religious minorities in Pakistan, and strives to legally empower religious minority communities through education and provision of legal aid and support and to assess the effectiveness of the justice system in responding to legal needs and protecting the legal rights of minority communities.

LAS field teams have mapped 390 communities, out of which 48 legal cases have already been identified, and of those proceedings, 15 cases have been initiated in courts These cases deal with various issues such as problems with state agencies to coerced marriages to marriage, divorce, and succession laws.





AS held a 3-day training for its field officers and field advocates at the Pakistan Society of Training and Development on November 9-11, 2020 to orient staff with laws concerning religious minorities in Pakistan.

The event was attended by senior members of the LAS team, including Justice (Rt.) Arif Hussain Khilji (Chief Legal Advisor), Barrister Haya Zahid (CEO), department heads, Research Associates, field officers, and advocates from all 8 districts.

The three-day training also included sessions from notable professionals and community leaders who lived the reality of minorities by the laws that apply to them, along with their potential mitigation strategies to encounter the difficult situations faced by them.



Meeting with APHP



The LAS team met with Mr. Ravi Dawani (General Secretary, All Pakistan Hindu Panchayat) APHP on November 25, 2020, to discuss issues faced by the community. The main areas of work identified included the rampant increase in blasphemy cases, kidnapping of minor Hindu girls, along with their forceful marriages, and reluctance of lawyers to accept minority cases. As part of our mutual collaboration, APHP will help LAS in identifying cases facing the Hindu population in Sindh, while LAS hopes to provide legal support and consultations for said cases to the best of the organization's capabilities.

Towards the implementation of Juvenile Justice Laws

he Juvenile Justice Systems Act (JJSA), 2018 envisages a criminal justice system in which juveniles have personal liberty and focuses on the importance of keeping children out of detention. The Act creates separate custodial arrangements for juveniles, the right to stateappointed counsel, and quick case processing times. It also introduces special procedures for the arrest and investigation of juveniles, and the establishment of Juvenile Courts, special procedures for the investigation and detention of female juveniles, the establishment of juvenile rehabilitation centers and observations homes. and the formation of a Juvenile Justice Committee in each sessions division with the authority to administer justice through alternatives to formal judicial proceedings. However, the Act suffers from serious gaps in its implementation.

In this context, LAS is working with the National Commission on the Rights of Children in lobbying efforts with the Home Department. LAS also held multiple coordination meetings between government departments for the implementation



Meeting with MPA Sindh Assembly

The LAS team also met with Ms. Mangla Sharma, MPA Sindh Assembly, who helped us further understand the major problems faced by the religious minority communities in Sindh. During the meeting, a detailed discussion took place on the biases faced by the minorities in court while dealing with minority cases, while she also recommended possible mitigation strategies.



of key provisions. It has developed policy briefs on the Juvenile Justice System Act (JJSA) 2018.

The Legal Aid Society

POLICY BRIEF

TOBER 2020

Recommendations for the Government of Sindh on Implementing the Juvenile Justice System Act (JJSA), 2018

BACKGROUND

The Juvenile Justice System Act (JJSA), passed in May 2018, aims to bring the juvenile justice system in sync with Pakistan's international commitments, and emphasizes a rehabilitative framework for juveniles as opposed to a punitive one.

The Act envisages a criminal justice system in which juveniles have personal liberty and focuses on the importance of keeping children out of detention. The Act creates separate custodial arrangements for juveniles, the right to state-appointed counsel, and quick case processing times it also introduces special procedures for the establishment of juvenile gourds, special procedures for the investigation and detention of female juveniles, the establishment of juvenile rehabilitation centers and observations homes, and the formation of a luvenile luvenile itie committee in each sessions division with the authority to administer justice through alternatives to formal judicial proceedings. However, the Act suffers from serious gaps in implementation.

The Home Department is the principal coordinating, planning, and policy making department of the criminal justice system under the Government of Sindh. It also has an important role to play in promoting institutional collaboration. To date, however, the Sindh Government has not notified Rules of Business, which form the backbone of the implementation of any legislative instrument.

This policy brief discusses selected responsibilities of the Police, Reclamation & Prosecution, and Probation Department, and puts forth recommenda tions on how to operationalize the provisions of the Act to

Helping Make Careers, not Brides: Reducing Forced & Early Child Marriages

arly and forced marriage is one of the most extreme forms of violence against women, as it puts women and girls at particular risk of sexual, physical, and psychological violence throughout their lives. Girls who marry before the age of 18 are more likely to experience domestic violence than unmarried girls. They are more likely to report their first sexual encounter due to forced marriages. And as a result of the age difference, along with power dynamics in such marriages, it is difficult for them to assert their wishes to their husbands, or to negotiate for safe and consensual sex.



AS has set up communitybased networks in Karachi, Shaheed Benazirabad, and Larkana which are made of active members of society along with government duty bearers so that they can together work on aspects of child protection with a special focus on forced & early child marriages. The



primary objective of the community networks is to create an agreement between the mentioned parties to make joint and seamless efforts to mitigate and respond to the different protection risks that children are facing.

The networks encourage all participants to facilitate and strengthen district level B community-based child protection systems and ensure that they are committed to strengthening other systems such as education, health, and social welfare, etc. For the same purpose, 76 mapping visits and 102 networking meetings with stakeholders were conducted in the districts of Karachi, Shaheed Benazirabad, and Larkana. The stakeholders will be working on child rights and protection, as they will be better capacitated to understand the health & social consequences of child marriages.

Validation workshops with key stakeholders and victims

AS held validation a workshop on "the non- implementation of the Sindh Child Marriage Restraints Act, 2013" on November 21, 2020. During this workshop findings of a gap analysis study were shared with the stakeholders, and Arzo's parents and Neha (victims) revealed the difficult situations of child marriage & forced-religion conversation faced by them. While issues

during the cases of child marriage, experiences of the victims, along with adequate responses & feedback were also discussed with the participants.



Strengthening Oversight Capacities with Sindh Parliamentarians

workshop was arranged on December 3, 2020, building capacity scrutinizing and implementation related challenges the under scheme of the Sindh Child Marriage Restraint Act 2013 and Law Reform with Parliamentarians.



Advocacy tools were developed to support parliamentarians for the implementation of the Sindh Child Marriage Restraint Act 2013.

LAS successfully executed campaigns for raising awareness regarding Early Child and Forced Marriages through rickshaw campaigns across Karachi, Sukkur, and Shaheed Benazirabad and dissemination of 2,500,000 SMS in 8 districts of Sindh



Six infographics charts (as depicted in the picture above), along with six audio stories were developed and utilized by community workers to conduct community sessions on various social and health-related matters with the community stakeholders. This activity served as a probing tool that will lead the conversation in upcoming community sessions.



The audio stories were also played on one of the most prominent radio stations in Pakistan: FM107.

کم عمری کی شا دی اور لڑ کیوں کی فیصلو ں میں شمو لیت کی اہمیت

فيصلون مين شموليت ت عمل سے ان ميں اپنى زمدداريوں كو سمجھنے، قبول كرنے اور نبھانے كى قابليت ميں اضافہ بوتا ليے۔



Decongesting Court Dockets with ADR

Alternative Dispute Resolution:

Performance over the quarter





Cases diverted

potential litigation matters diverted away from Courts to ADR



law schools engaged

to promote ADR in their institutions and amongst the law students.

Successfully resolved out of the diverted

cases through ADR Mechanisms



Salis members re-engaged

in Sindh to whom it continues to refer cases



A lternative Dispute Resolution (ADR) instruments are universally accepted time and cost-effective support mechanisms in any justice system. There is a dire need for greater ADR in Pakistan since the justice system is overwhelmed with numerous delays resulting in a lack of access to justice for all, particularly due to the situation of the pandemic, leaving many groups (including - women & children deprived of justice) vulnerable.







ADR providing support mechanisms to the judicial system

t is a widely accepted fact that in Pakistan, the judicial system is slowmoving. Judges are overloaded with cases and this ultimately leads to a delay in justice for the most vulnerable and downtrodden members of our society who need swift and effective justice the most.

SUCCESS STORY: Legal Aid Society resolves a complex land dispute case via its Alternate Dispute Resolution in Sanghar

ne of the recent successes of the LAS was the facilitation of two parties for a peaceful settlement over a land dispute in Sanghar, which



was pending in Dakh Loha Court. The complainant Mr. Jan Muhammad had earlier accused another party of illegally occupying his land during the time that he was not in town. Before this case was referred to LAS's ADR Field Teams, the incident was taken to the aforementioned

civil court in March 2020 in the form of 3 different registered cases, thus making it more complicated. The court referred the case for mediation on November 9, 2020.

LAS's ADR Field Officers and Field Advocates coordinated with both parties, held several meetings, issued them official notices, negotiated the course of action, and helped parties settle the dispute on December 5, 2020, that is, within a month of being involved. The case is now considered to be resolved in the Dakh Loha Court through LAS' ADR interventions. Both parties to the case are satisfied and highly appreciative of the intervention by the Legal Aid Society for providing a convenient, cost-effective, and efficient means to case resolution.

It is important to note that the civil courts take an extensive amount of time for the resolution of such cases, which could range from 2 to 6 years, thereby resulting in severe consequences for economically vulnerable parties and might lead to personal rivalries amongst the parties resulting into boundless acts of violence – which is often witnessed involving a dispute over land/ assets of high financial value.

It is also pertinent to note that this case was referred to the LAS for ADR by a 1st class civil court judge himself, which itself is a moment of pride for LAS and a validation of our idea that judges themselves will promote ADR when they realize that this mechanism helps reduce their workload and provides a legally recognized solution to complex problems.

Field mediator: Rana Mehboob





Helping Victims of Domestic Violence

LAS is working with the Human Rights Commission of Pakistan (HRCP) to provide legal assistance to victims of human rights violations. Our services are available in the districts of Karachi, Nawabshah, Larkana, and Sanghar. Our focus is on socioeconomically impoverished persons, vulnerable groups, women, children, aged persons, and transgender individuals. In the past six months, LAS lawyers have filed cases for 65 citizens and have successfully disposed of 21 cases on legal issues ranging from domestic abuse, denial of maintenance, separation from husband, custody of minor kids, and protection orders and CNIC related matters.

Here is one such success story from a client based in Shaheed Benazirabad:

AS advocate Ms. Safia Lakho represented a married lady who belonged to Shaheed Benazirabad and is a mother of two children. Soon after her marriage her husband changed his behavior towards her and became increasingly abusive. He started to mistreat and beat her and failed to fulfill her basic needs. Eventually, the husband threw her out of the marital home. The lady; being traumatized and disturbed, was in desperate need of help when she approached LAS. Ms. Safia Lakho responded to her call and filed a suit for maintenance at a family court in Shaheed Benazirabad.

The court passed an order in favor of the lady

and granted maintenance in the amount of Rs. 40,000/- and an amount of Rs.120,000/- for the children until they were minors. LAS advocate Ms. Safia made further efforts when the husband refused to pay the said amount and gave dreadful threats to the lady instead. LAS applied for protection under section 22-B of the Criminal Procedure Code to seek protection against her husband and also filed an execution application. As a result of LAS efforts, the lady was successful in obtaining maintenance and a sense of protection.



ميري ديس کي محنتي اور جفاکش لڑکيو!

آگے بڑھو کہ اب حاکم ومنشور بدلے گا۔

شعور آگیا ہے اب دور بھی بدلے گا

سب دیکھتے رہنا یہ دستور بھی بدلے گا

Couplet in urdu. In words of: Rukhsana Parveen Khokhar (Senior Project Manager, LAS)

GET IN TOUCH!







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