

ABOUT LAO

The Legal Aid Office (LAO) is a privately managed project of the Government of Sindh that started working specifically for the welfare of prisoners in 2004. At present LAO operates from seven (7) offices located across Sindh and provides legal assistance and representation to juveniles and adult male and female prisoners who are under trial.

The Government of Sindh formed a committee titled the Committee for the Welfare of Women's Prisoners (CWWP), later renamed the Committee for the Welfare of Prisoners (CWP) with a specific mandate to ensure the welfare of prisoners amongst other objectives. The CWP is headed by Justice Nasir Aslam Zahid and comprises the Advocate General Sindh and the Special Secretary Prisons

**LEGAL
AID
OFFICE**



NEWSLETTER

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ABOUT LAS

The Legal Aid Society (LAS) is a not for profit organization that was registered as a society in 2013. The LAS has a mission to connect vulnerable and disempowered end users of justice with effective and expedient services for the delivery of justice. LAS starts by listening to the voices of the vulnerable and disempowered within the legal system and combines their needs with the values of equity, fairness and inclusion to change the way we view and tackle present-day challenges facing the attainment of justice in our society.

The organization adopts a two-pronged approach within the larger framework of access to justice in Pakistan. The first aspect of programming is to provide direct assistance on a case by case and individualized basis through the provision of legal representation; akin to plugging in gaps in the provision of legal aid. The second aspect of programming is aimed at systems level repair through the legal empowerment approach which seeks to increase knowledge of law amongst common users for effectuating more access and change within the surrounding legal ecosystem

The Legal Aid Society and the Legal Aid Office are sister organizations, working in parallel to improve access to justice for vulnerable citizens in Pakistan



ON GIVING SECOND CHANCES LEGAL AID OFFICE TEDX ISLAMABAD

Executive Director, Barrister Haya Zahid was invited to give a talk at the independently run TEDx event in Islamabad in August 2017. Haya presented the work of the LAO to over 700 attendees in Islamabad where she sought to raise empathy for prisoners behind bars who are remorseful and beg for a second chance. She shared with the audience her journey of working inside prisons

for over 8 years and various initiatives that had been introduced such as the paralegal training for prisoners and schools for children of female inmates. The talk is available for viewing on https://www.youtube.com/watch?v=pnFotegTk_E



CELEBRATIONS OF INDEPENDENCE DAY

In commemoration of our Independence Day, the Legal Aid Office (LAO) - Committee for the Welfare of Prisoners (CWP) celebrated the 70th Independence Day with patriotic spirit and passion at its Head Office in Karachi and in various prisons with the beneficiaries it works with and prison officials.

LAO celebrated the Independence Day at the Early learning Centers in Hyderabad and Karachi Women's Prisons. The children performed songs and dance and expressed their love and compassion in different ways. Special requests for green caps and flags were made by the children and the LAO provided the same. Cakes and gifts were distributed among the children's by the LAO's staff.

The Hyderabad YOIS Prison also celebrated the independence event with full enthusiasm. The Juveniles sang the national songs and danced on musical instruments in traditional way. Mr Saleem Superintendent YOIS Karachi and Deputy Superintendent were also present in this event. LAO's Hyderabad team made special remarks and distributed tee shirts and flags to the children.

SUCCESS STORIES FROM THE DESK OF WOMEN'S SECTION

Sumaira is a 24 year old female who has spent the last twenty-six months in prison accused of being involved in two different cases. Sumaira belongs to Sahiwal and comes from a family of three siblings. One of her brothers suffers with cancer and after the death of her father, Sumaria and her elder brother took on the roles of being the only bread winners supporting their family and their ailing brother's treatment for



What was Sumaira's fault ? She couldn't differentiate between being released on bail and having been exonerated from court. No one was able to explain this simple proposition to her.

THE CASE OF SUMAIRA ZAFAR:

Sumaira earns money by working as domestic help in Karachi since 2013. Two other staff members robbed the house in which she was employed and managed to escape. The home owner registered a case of robbery against them and dragged Sumaira into it as well. Sumaira was arrested by the police and accused of stealing Rs. 1,200 and some silver ornaments. Sumaira, who can neither read nor write, scraped together some money and with some help from her relatives, engaged a lawyer. She was released from prison after a month and was relieved to head back home to Sahiwal.

Sumaira then got another job at the house of a politically connected man. During the course of her employment, she faced many challenges and this eventually led to another round of accusations by her employer against Sumaira.

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ماہر وکلا | مکمل رازداری | مفت قانونی مشورے | ۲۴ گھنٹے مفت کال سروس

*موہاٹل سے کال کرنے پر معائنہ نزع لاگو ہوں گے۔

Organizational News

Good News for LAO and LAS employees! From 1st of July 2017, LAO and LAS have registered for EOBI.

She was accused by her employer of stealing a car and the police added in charges of illegal weapons possession and engaging the police in an encounter. She was kept at the Gizri police station in Karachi for 7 days while the police tried to force her to accept her crime. Sumaira's first criminal case was also reopened after her subsequent arrest and she was sentenced to three years for leaving the city in violation of her bail conditions.

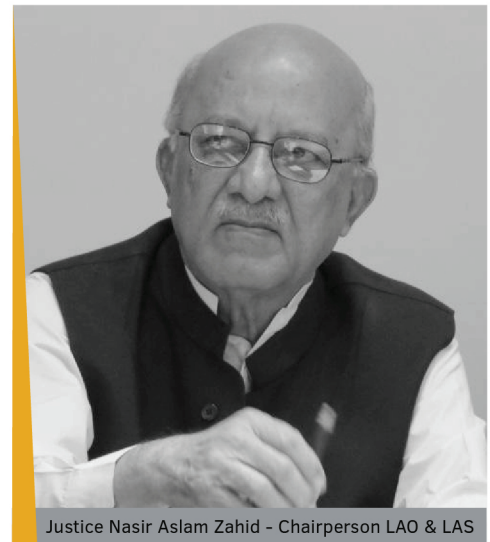
The LAO is currently representing Sumaira who has been granted bail in all her cases. Unfortunately, Sumaira cannot afford to pay the high bail amount and remains in prison.

The LAO lawyer representing her is confident that Sumaira will be released since the police have not produced any witnesses in the cases against her – even though it is the police themselves that have been identified as witnesses in the case.

Sumaira's story lays bare the truth that power and resources can manipulate the existing legal structure and that a lack of knowledge and means can severely impact access to justice.

EDITORIAL CHAIRPERSON BY

This year marks the 13th anniversary of the Legal Aid Office Committee for the Welfare of Prisoners. It has indeed been a tumultuous journey of piloting new and old ideas, scaling and venturing into uncharted territories, and consolidating lessons learnt whilst taking an aerial view of the passage of time. Our foundation was laid in February 2004 when legal aid was provided to female under trial prisoners in Karachi Women's Prison for the first time through a government endorsed mechanism that was privately managed. From there on, the outreach of the legal aid program was expanded every year and in 2011 operations began in adult male prison facilities. From 2013 onwards a more robust approach was taken towards amplifying legal aid provision alongside legal empowerment and welfare initiatives. By the end of 2015 a concerted effort on developing a knowledge base was mainstreamed into all facets of operations.



Justice Nasir Aslam Zahid - Chairperson LAO & LAS

Throughout the journey, there have been periods marked with rapid expansion and those with shrinkages in operations due to funding uncertainties. However, the resolve to improve the conditions of prisoners and our prison systems has only grown stronger with every challenge faced and overcome. As part of our own expansion and growth, it gives me great pride in introducing our first newsletter. I would like to thank those who have pushed forward this initiative which was perhaps long overdue and also to appreciate those of you who have contributed as each piece is essential in developing stronger communications both internally and externally. This newsletter will serve manifold purposes. It will serve as a means of communicating successes and strategies of the organization in addition to updating readers with recent changes in our legislative and operational context. It is hoped that it will be an effective conduit for storytelling so that the voices of the unheard who are the beneficiaries will be communicated more effectively with others. Feedback for improvement is necessary and I would encourage constructive advice and opinions from readers to be shared with. This newsletter will be developed on a quarterly basis and it is only natural to expect for its composition to change with time and experience.

Lastly I would like to thank the readers for their attention.

Previous Quarter Highlights (July – September 2017)

- LAS conducted the 3rd batch of Mediation Skills Training with 16 High-Court nominated Salis Committee Members from District Badin, Ghotki, Nawabshah, and Khiarpur. The training was held from August 07 – 12, 2017 in Karachi. The Saalis trainings under the ADR project are essential in making court annexed mediation active in Sindh.
- LAS kickstarted the Awareness Sessions on Alternative Dispute Resolution (ADR) in 7 districts of Sindh; Karachi, Hyderabad, Larkana, Khairpur, Sukkur, Shaheed Benazirabad, and Sanghar are among these districts. In the previous quarter, the field team of the seven districts conducted 167 Sessions in total.
- Independence Day was celebrated at the Legal Advisory Call Centre and LAO & LAS Head Office with the spirit of patriotism and revive the oath to serve the community in enhancing access to justice.
- LAS celebrated the 3rd anniversary of its flagship project the Legal Advisory Call Centre (LACC) on September 22, 2017. LACC has provided free legal advice to 44,431 queries received from across the country since its inception.
- LAO has organized 195 Legal Aid Clinics in 4 women and 4 juvenile prisons of Sindh i.e, Karachi, Hyderabad, Sukkur and Larkana.
- 07 children are enrolled at Early Learning Centre (ELC) Karachi and 18 children are enrolled at the ELC in Hyderabad. The 18 children in Hyderabad include 8 children of female inmates and 7 children of Prison Staff who are engaged in an inclusive and safe environment making this a unique, one of a kind model for education in challenging contexts.
- The LAO has collaborated with the Karachi United (KU) Football Club and has organized a football training camp for juvenile inmates at the Youthful Offenders Industrial School (YOIS), Karachi. The training camp is organized on a weekly basis over the course of 3 months. The partnership has been extended for another six months based on the success of the pilot phase.
- The LAO – CWP has been running sewing classes within the confines of the Women's Prison Karachi since 2004. Currently, 33 women are engaged in these classes and LAO – CWPs sewing teacher conducts these classes 6 days a week and teaches stitching skills to the female inmates.
- LAO in collaboration with the Home Department and Women Development Department organized a four days Training of Trainers (TOT) on "Paralegal Program" from 27th August to 30th August, 2017. The training was aimed to explain and emphasize the importance of Legal Empowerment in communities as social change driver and to introduce the new paralegal program being launched in five prisons.


JUVENILE JUSTICE SYSTEM ORDINANCE (JJSO) 2000 – RECOMMENDATIONS FOR IMPROVEMENT


Ms. Fouzia Yousuf, Advocate

There are several implementation and interpretation flaws of the Juvenile Justice System Ordinance (JJSO) 2000 have become apparent over the past few years. The JJSO itself appears limited with only 15 sections. Therefore, it needs to be reviewed, modified, improved and reconciled with the international standards and other existing laws respecting juvenile offenders.

- (1) The JJSO requires the Provincial Government to establish one or more juvenile courts or to designate a Court of Sessions or Judicial Magistrate to exercise the power of the Juvenile Court. Currently, in only (District Central Karachi) a court of Magistrate and a Session court are exercising their power for Juveniles.
- (2) Age determination is the key issue during the trial and it should be determined at the time of challan which is submitted by Investigation Officer after 14 days of lodging the FIR. Usually courts wait until the defence counsel files an application for an ossification test and if such an application is not filed then judges rarely consider the age factor at the time of Judgment.
- (3) Under Section 6 of JJSO 2000, a Juvenile Court must not take up any other cases on the same day, but generally a court proceeds with as many as 40 to 50 cases in a day.
- (4) All types of cases of a Juvenile offender should be considered as Bailable offences. JJSO provides this relief for juveniles who are for 15 years. It should be provided for all juveniles under the age of 18 years.
- (5) At the bail stage, some Judges grant surety applications with directions to furnish huge surety amounts without keeping in mind the financial status of the Juvenile's family.
- (6) Time period should be fixed for completing the case of a juvenile. In most of the cases, including ATC trials, cases are pending since long. Timelines mentioned in JJSO are not followed.
- (7) During the pendency of a trial, court is permitted to dispense with the attendance of the child when it is satisfied that attendance of the child is not essential for the purposes of the trial. The proceedings must be closed to the public and it is prohibited from publishing any information in any newspaper, magazine or journal which may lead 'directly or indirectly' to the identification of the child. This provision needs to be amended in light of changing times as it does not cover electronic media, social media and documentaries where such information may be used. Half of these protective measures of the JJSO only exist on paper and do not represent the ground reality at the trial stage in the courts.
- (8) Section 5 of JJSO states that an accused child shall not be tried jointly with any adult co-accused. This seems impractical as almost all Courts of Sessions and Criminal Courts of Judicial Magistrates of First Class are empowered to try juvenile cases as Juvenile Courts. At the same time, these criminal courts also try offences and cases under other general laws. Another problem which can arise in such a situation is where one court trying an adult and the other a juvenile offender, in the same case but in two separate courts, may come up with conflicting judgments. JJSO doesn't seem to address this issue.
- (9) The JJSO, in Section 9, states that a probation officer must assist the Juvenile Court by making a report about the child's character and background, which may then be sent to the child or his guardian. It again, seems unclear when a probation officer may be asked to report and for what reasons, at what stage of a criminal case it is to be prepared and what use will be made of it.
- (10) The Ordinance also acknowledges the need for a probation system to enable children to be given alternatives to imprisonment and remain out of detention. Shortage of probation officers is also a major problem. Number of probation officers should be increased in all districts, with few probation officers children released on probation are unable to get the benefits of a probationary system.
- (11) The time period of police detention should also be limited. This is because the longer the period spent in police custody without the knowledge of family members or a guardian is a high risk of violence. Majority of UTPs complaint that no information was given to their families when they were arrested by the police and their family members don't know about their presence in jails.
- (12) All stake holders involved in the juvenile system i.e. police, judges, lawyers, probation officers and jail officials should be given focused training.

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