



# NEWSLETTER

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## HIGHLIGHTS OF ACHIEVEMENTS FOR THIS QUARTER: LAS

- LAS, under its ADR project, is working to augment the take up of semi formal methods of ADR in the province of Sindh through the support of grant from the Bureau of Democracy, Human Rights and Labour ( US State department). As part of this program, LAS trained 36 Saalis Members (Nominated through a High Court Notification) in this quarter on Mediation Skills and on Human Rights, Vulnerability and Society. approximately 600 prisoners were surveyed.
- LAS conducted 208 awareness clinics with different communities across Sindh to create awareness on Alternative Dispute Resolution methods and the relevant framework.
- 2,161 people called the Legal Advisory Call Centre to access free legal advice and solicit information during this quarter.
- LAS piloted a basic literacy and legal literacy project in YOIS Karachi during this quarter. Currently 49 Juvenile prisoners are enrolled in the program.
- LAS completed a needs assessment survey in the YOIS Prison in Karachi which surveyed the literacy levels in 135 juvenile inmates.
- LAS provided free legal representation in courts to 65 marginalized community members including women in shelter homes in Hyderabad, Sukkur and Larkana and members of the transgender communities.
- LAS, along with the Sindh Judicial Academy and Ms. Navin Merchant submitted a draft bill on Alternative Dispute Resolution to the Law Department. The bill seeks to amend Section 89-A of the Code of Civil Procedure.



Female convicts at the Karachi Central Women's Prison receive master training so that they can transition into paralegals

*If you are trying to transform a brutalized society into one where people can live in dignity and hope, you begin with the empowering of the most powerless. You build from the ground up.*

**-Adrienne Rich**

*To understand racism you need to understand power dynamics.*

*To understand sexism you need to understand power dynamics.*

*To understand poverty you need to understand power dynamics.*

*To understand power dynamics you need to listen and believe the stories of the powerless.*

**-Nate Pyle**



Saalis members notified by the High Court from the districts of Jamshoro, Tando Allahyar, Dadu, Shikarpur, Kambar Shahdadkot, Tando M. Khan, Sukkur receive accredited mediation training in Karachi

# EDITORIAL BY EXECUTIVE DIRECTOR

I would like to take the opportunity of writing this first editorial for the joint LAO /LAS newsletter to address an identity crisis issue I have been grappling with for quite some time now. I imagine some of you may find yourselves facing the same dilemma in the line of work that we are all engaged in together. Social identity is based on groups that you can identify yourself with. Your caste, mother tongue, ethnic origin and profession are all groups from which one derives a sense of pride or belonging. Social identity theory dictates that we have created superficial divisions of "in" and "out" groups and that the former discriminates against the latter to boost its own image and standing. I want to limit the extent of exploration of this as it relates to the groupings within the legal fraternity and wider lawyering diaspora. How does one identify his or herself within the context of the justice related work we do? What is the social categorization for lawyers who are engaged in development work and what status do we accord ourselves with and what labels do we get levied with by the so called "out" groups?

As a development concept and treatment, legal empowerment came into being to strengthen the agency and capacity of such ordinary people so that they are better able to access and enforce their rights and entitlements under the law. It seeks to make practical and easily accessible that which is normally seen as being complicated and seeks to open up what was once limited to the terrain of lawyers alone. As such, a legal empowerment professional is one who believes in a democratic and grass roots led pursuit of justice in which those that are affected by injustice rise to the front, take control of their situation and forge ahead against oppression and injustice. A lawyer on the other hand is invested in perpetuating the current status quo and a sense of 'dependency' as opposed to interdependency. The difference between both boils down to the former believing in facilitating a shift in power

dynamics as opposed to the latter that concedes to the prevailing status quo in which justice seekers continue to remain powerless.

We at the LAO and LAS are constantly striving to shift the power dynamics which are the root cause of the prevailing inequality and injustice in our society. Our program and legal strategies are consciously being redefined to incorporate legal empowerment approaches through which we can boost our beneficiaries to becoming partners with whom we collectively work to resolve problems. We are conducting more community meetings through our district level members so that we can build more coalitions with community level leaders. We are engaging in door to door and one on one engagements to spread legal information and legal literacy. We are building in an integrated approach to plural legal systems and we are slowly but steadily working on increasing paralegal resources within

our prisons. Although legal empowerment methodologies such as these have gained considerable traction across the globe especially in developing nations such as Bangladesh and Sierra Leone, there is much desired for its promotion and wider uptake within Pakistan. Legal empowerment programming as opposed to traditional legal aid programming is underestimated despite the direct contributions it can make towards development objectives such as increasing income and assets and reducing poverty, gender equity, enhancing accountability and transparency in governance, improving health care and living standards.

It is important, more now than ever before to stop and pause and reflect. Reflect on the moment when you graduated and recall what your aspirations were. Assess the impact of the work you have engaged with and question whether this work has in any way altered those initial aspirations. Then try to link this back to the aspect of social identity I mention earlier so you ask yourselves what you identify as? Are you a 'traditional lawyer' working on a case to case basis with the power tilting heavily in your favour in the client-lawyer equation? Are you simply providing technical expertise to a needy client who knows no better? Are you only concerned with the atomized nature of the grievance before you instead of its wider repercussions? Or are you a legal practitioner that is providing quality services balanced with an effort to empower the client such as educating the client along the way on their entitlements? Are you working together with communities and organizations collectively to address public issues? Are you consciously engaging in legal literacy initiatives with those who come to you for assistance? At the end of the day whether you have a Barrister's title prefixed to your name, or a simple LLB or even if you have no law degree at all, it is a matter of your attitude and the philosophy of social justice that you adhere to rather than accreditations, degrees and titles.

Whether you see yourself as a traditionalist lawyer or a legal empowerment practitioner, one thing is certain, you are part of a wider 'development lawyering' effort, that works closely with the poorest of the poor and some of the most disempowered and vulnerable segments in society. You are willing to trek out to the most remote areas in interior Sindh across damaged roads, in rough weather conditions with poor transport facilities. You often face financial hardships and uncertainty which affects your family life and personal obligations. And you now see litigation as a last resort in your advice as opposed to the first line of action for those that seek your counsel. If most of this describes you or comes somewhat close to describing you, the chances are you may not have cracked the skill sets needed to form a sustainable form of lawyering, but you are certainly on the right track towards shifting the power dynamics towards a pro-poor and pro-peoples pursuit of justice!

**Haya Emaan Zahid**  
Executive Director

# DIALING 0800-70806 FOR JUSTICE: LEGAL ADVISORY CALL CENTRE

By Asad Jamil, Chief Operating Officer

The Legal Advisory Call Centre was established on 22nd September, 2014 with the support of Development Alternative Inc.(DAI) under the Enhanced Democratic Accountability & Civil Engagement (EDACE) program sponsored by Foreign Commonwealth Office (FCO). The LACC is a flagship project of the LAS which provides free legal advice to callers dialling the toll free number 0800-70806 and enquiring about any legal matter. The service is available round the clock although experienced High Court enrolled lawyers handle the calls directly during office hours in daytime (9:00 am to 5:00 pm), six days a week and calls after office hours are recorded in an automated voice mail system. The advising lawyers call back and respond promptly to recorded calls on the next working day.

SINDH	CIVIL LAW	CRIMINAL LAW	GENERAL INFORMATION	PUBLIC SERVICE	TOTAL
MALE	12,890	5,016	6,971	5,341	30,218
FEMALE	3,480	930	1,046	636	6,092
<b>TOTAL</b>	<b>16,370</b>	<b>5,946</b>	<b>8,017</b>	<b>5,977</b>	<b>36,310</b>
SINDH					
MALE	2,044	787	889	685	4,405
FEMALE	548	150	115	94	907
<b>TOTAL</b>	<b>16,370</b>	<b>937</b>	<b>1,004</b>	<b>779</b>	<b>5,312</b>
KHYBER PAKHTUNKHWA					
MALE	129	61	138	106	434
FEMALE	30	9	8	6	907
<b>TOTAL</b>	<b>159</b>	<b>70</b>	<b>146</b>	<b>112</b>	<b>487</b>
BALUCHISTAN					
MALE	123	51	108	66	348
FEMALE	16	6		3	25
<b>TOTAL</b>	<b>139</b>	<b>57</b>	<b>108</b>	<b>69</b>	<b>373</b>
OTHERS					
MALE	121	40	2,044	47	2,248
FEMALE	16	44	15	3,152	3,226
<b>TOTAL</b>	<b>165</b>	<b>55</b>	<b>5,196</b>	<b>62</b>	<b>373</b>
<b>GRAND TOTAL</b>					<b>47,956</b>

The LACC initiative is a unique service in the country as it caters to the primary legal needs of society and has the potential to benefit the largest number of people. It is especially focused to assist disempowered, uninformed and marginalized segments of society that do not have access to the formal justice system. This free advisory helpline is of particular benefit to rural communities

that have limited access to legal services and especially women who may face restriction on movement.

LACC has just completed 3 years and 3 months of successful operations on 20th December 2017 and the following statistics for this period reflect the legal awareness that it has created among the communities and the number of people who have benefitted from its services.

LACC received **162,441** calls on its Interactive Voice Recording (IVR) system which indicates the awareness created by the media campaign. A large number of these calls were made due to the toll free access and people were genuinely interested in knowing more about this unique service which was made available to them at no cost. Out of these **47,964** calls resulted in generating registered queries where the callers discussed their legal problems and were advised by our lawyers. Periodic impact analysis were carried out to evaluate the effectiveness and usefulness of the service and around 90% of the users had a positive response of being satisfied or very satisfied with the quality of service and its effectiveness.

Since detail information about the callers, their legal query and the solution provided, is recorded in a state-of-the-art automated system, a wealth of very useful information has been collected and recorded in the Database maintained by the system. LAS plans to engage in a robust analysis of the data maintained over the last three years so that trends and patterns in legal needs can be identified and used as basis for strategic interventions in the province along with data driven policy work that is undertaken.



# CITIZEN OR REFUGEE?

## AFGHAN NATIONALS AND THE CITIZENSHIP ACT 1951

Security threats in the past several years have sparked a national dialogue in Pakistan about citizenship, identity, and belonging. After the tragic events in Peshawar's Army Public School and College on December 16, 2014, the Government released a National Action Plan (NAP) to fight terrorism, which included steps to either register or repatriate Afghan nationals. Subsequently, law enforcement authorities have consistently targeted undocumented Afghan refugees and by at least one account, more than 600,000 refugees have been forcibly repatriated to Afghanistan. This figure does not include countless other Afghan nationals, adults and children, who are arrested by the police daily for not possessing valid identification documents and then deported.

The mainstream conversation among many Pakistanis on this issue mirrors the state's suspicion of the Afghan population: these foreigners -- for whom we have sacrificed too much for too long -- have given us only terrorism and extremism in return, and it is in the national interest to send them back from where they came. Leaving aside other numerous problems with this narrative, its aggressive nationalism is at odds with Pakistan's curiously expansive laws governing citizenship and naturalization.

A plain reading of this section indicates that all children of Afghan refugees born on Pakistani soil are Pakistani citizens. Section 10 of the Citizenship Act grants citizenship to foreign women who marry Pakistani men, a right that was further extended to foreign men who marry Pakistani women by the Federal Shariat Court. This means that any Afghan refugee who marries a Pakistani citizen is legally entitled to citizenship.

By Jawziya Zaman



The Naturalization Act 1926 contains similarly broad provisions. Section 3 states, in relevant part, that a certificate of naturalization can be granted to a person who is not a minor, meets certain basic residency requirements, and has (1) good character, (2) adequate knowledge of one Pakistani language, and (3) the intent to reside in Pakistan. Arguably, Afghan refugees who have lived here for decades, speak either Pashto or Urdu, and have never been convicted of any crimes meet these requirements and should be on the path to Pakistani citizenship, as well.

In the interplay between law and societal attitudes, the former usually lags behind and evolves in response to social movements. But with the legal status of refugee populations in Pakistan, the opposite is true. Tropes of terrorism and Islamic extremism legitimize state-sponsored policies of discrimination

against the Afghan population while the text of the law, at least, paints a different picture. In addition, even media coverage and reports that are sympathetic to the plight of Afghan refugees are largely silent on Pakistani citizenship and naturalization law, and how it might be used as a protective shield against repatriation and deportation. Ultimately, however, the law cannot be used as a tool for social change until the stereotypes and prejudices attached to Afghans are challenged.

Pakistani citizens were created as a legal category on April 13, 1951, when The Citizenship Act was passed. Section 4 codifies the principle of jus soli, birthright citizenship, and states that anyone born on Pakistani soil is a citizen unless at the time of his birth (1) his father is a foreign diplomat immune from suit in Pakistan and is not a citizen of Pakistan; or (2) his father is an enemy alien and his birth occurs in a place occupied by the enemy.

# THE LONG ROAD AHEAD

## FOR MAINSTREAMING RIGHTS AND ENTITLEMENTS OF THE TRANSGENDER COMMUNITY

After a long campaign by members of the transgender community, activists, and other allies, transgender rights in Pakistan have begun to emerge from obscurity. However, there is still much work to be done before transgender individuals are granted the same status as all citizens.

In 2012 the Supreme Court ruled that all rights guaranteed to citizens of Pakistan are equally applicable to the transgender community. In particular, the decision focused on transgender individuals' right of inheritance to all moveable and immoveable properties and the right to adopt any profession. After this decisions, some transgender people were issued CNICs and a Pakistani passport with recognition as a third gender. But beyond this, implementation has been delayed, partially because of a lack of legislation to address other rights that are being violated and require protection. The Transgender Rights Protection Bill 2017 is still pending before senate of Pakistan.

The Pakistani Parliament should take serious action to provide such rights to the transgender community, especially since according to Article 201 of Constitution, Supreme Court rulings are binding on all states courts & every citizen of Pakistan. The Pakistan Bar Council and other bar councils throughout the country should take serious action for implementation of the Supreme Court decision.

If courts punish them with prison sentences, there are no special jail provisions for transgender people, no jobs, schools, Dar-ul-uloom and madrassas, shelter homes, or medical facilities. Advocates who take on court cases on behalf of transgender people are subject to ridicule and harassment. I can attest to this fact as in my ten years of experience as a litigator, I have only recently been exposed to the plight of this community and institutional level biases within the justice space. I have been proceeding with cases of three members of the Transgender community relating to harassment, injury and dacoity in the district courts in Karachi for the past two months. I observe my own clients being mocked and disgraced inside courtroom premises where every citizen comes to seek justice, I witness first-hand how these justice seekers are shunned and teased.

Transgender people want the same rights that all citizens have. They want jobs as teachers, officers, and other professions. They want proper education, and to be treated with respect. They need quotas in jobs and education, and to exercise the right to political participation. All high authorities and departments should come forward for the implementation of transgender rights and should adopt sensitization measures because they are also the creation of Allah. If we give them the respect and right they deserve, we will benefit as a society.

**Advocate Altaf Hussain Khoso**



*Hyderabad Team Conducting ADR Clinic With Transgender Community.*



### WOW EVENT

With the collaboration of South Bank Center, the Women of The World (WOW) festival was organized in Karachi, Pakistan for the second time from 2<sup>nd</sup> to 3<sup>rd</sup> December, 2017 at the Alliance Francaise De Karachi. The purpose of this event was to celebrate and highlight the struggle and achievements of women for their empowerment. The LAO-CWP in collaboration of the Women Development Department of the Government of Sindh and Prisons Department participated in the event and displayed a unique collection of handicraft items prepared by female inmates of the Karachi Central Prison. Items included key chains, pencil cases, cushions and mobile covers etc. The work of the female inmates was appreciated by the public and almost all the material displayed was sold. All profits were paid forward to the female inmates who are still in prison and this source of income generation from within the confines of the prison has boosted the morale of many inmates who are eager to generate a source of livelihood either for themselves or families who they wish to support on the outside. Special credit is given to our team members Shahida, Jawziya, Samar and Naseem who were the key coordinators and enthusiasts behind this initiative. Other team members who excelled at promoting the talents of the inmates were Shahzaman, Firasat and Maleeha.

**By Samar Tareq**

# COMMUNITY AWARENESS CLINICS ON ALTERNATIVE DISPUTE RESOLUTION

Community outreach and awareness-raising have always been an essential component of Legal Aid Society's (LAS) interventions. LAS has been conducting various social mobilization campaigns throughout Sindh for public awareness and law-related skill development of vulnerable communities. Under the Alternative Dispute Resolution (ADR) Project, LAS is conducting awareness sessions at the grass-root level on ADR, its importance in the context of actual needs and various methods. These awareness sessions are currently being conducted in 7 districts of Sindh, i.e. Karachi, Hyderabad, Sanghar, Shaheed Benazirabad, Sukkur, Khairpur, and Larkana. These awareness sessions are aimed at sensitizing communities at the grass-root level so as to inculcate an inclination in the masses to approach or contemplate formal and semi-formal methods of ADR as opposed to the traditional ones such as Jirga and Panchayats. The experience so far indicates that there is a widespread distrust in approaching courts and a fear of being involved in protracted litigation with no end in sight.

Our approach is approach communities after a thorough mapping exercise where the field teams map the various communities in their districts who are relatively organized; such as labour unions, union councils, merchant and traders associations, and local community-based organizations working on dispute resolution. Since the commencement of the ADR project, more than 400 clinics have been conducted engaging more than 11,000 people across 7 districts of Sindh.

These community clinics are not only a great platform for information dissemination but also an easily approachable referral mechanism whereby any participant of the session can approach LAS's advocates with their legal issues. These issues are then later referred for Court-Annexed mediation or litigation as per their nature. Moreover, the field officers and advocates of LAS are actively assisting communities in filing complaints before the offices of the Ombudsman for resolution of mal-administration in their districts.

By **Firasat Rizwana Siddiqui**

## HIGHLIGHTS OF ACHIEVEMENTS FOR THIS QUARTER: LAS

- The LAO has provided free legal representation in 769 cases on behalf of under privileged prisoners confined in 21 prisons during this quarter.
- Bail applications were filed and granted in 81 cases and 345 cases have been disposed through court orders.
- A friendly football match was organized between the juvenile teams at the juvenile facility in Karachi on Sunday 12th November 2017. The match was organized with the support of the Women Development Department (WDD) and Inspector General of Prisons Sindh and our partners Karachi United Football Club who are working together with LAO to provide football coaching to juveniles in Karachi prison.
- The LAO set up a computer lab in the juvenile prison facility in Hyderabad in October, 2017. Computers and other equipment were donated to facilitate the provision of IT skills training and capacity development for the juveniles with the assistance of the Prisons Department.
- A delegation comprising four members of the Senator including Ms. Nasreen Jalil (MQM), Mr. Nisar M. Khan (PML-N), Mr. Farhatullah Babar (PPP), Mr. Mir Kabir Ahmed Shahi (NP) visited the Central Women Prison and Youthful Industrial School – YOIS, Karachi on Wednesday 18th October, 2017 along with Inspector General Prison Mr. Nusrat Managan, Jail Superintendent Ms. Sheeba Shah and Mr. Gul Mohammad Shaikh. The LAO team apprised the senators on the legal aid and welfare work that was being provided by the CWP under the supervision of Justice Nasir Aslam Zahid.
- LAO organized a 7 days Prison Paralegal training session for 26 women inmates of Central Women Prison Karachi. The purpose of the training was to develop the understanding of the

- 150 bed sheets were donated to the juvenile inmates at Youthful Offenders Industrial School (YOIS) in Karachi with the help of donations from private philanthropists.
- The research wing at LAO started to conduct a baseline survey of a 1000 under trial and convicted inmates from six prisons in Sindh. The purpose of this baseline is to assess the knowledge of inmates regarding the process of criminal trials, prison laws, and inmates' legal rights. The first phase of the survey was completed in Karachi during this quarter in which approximately 600 prisoners were surveyed.



**345 criminal cases have been disposed of before courts**



**LAO lawyers represent under trial prisoners in 769 cases across Sindh**



**81 applications for bail have been granted for clients of LAO**

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