



NEWSLETTER

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Highlights of Success from the Legal Aid Office Project

Provincial Advisor for Law, Barrister Murtaza Wahab and Law Secretary Mr. Shariq Ahmed visited the Secretariat of the Committee for the Welfare of Prisoners on 29th September 2018 and were apprised of the scale of the work and the future plans to expand to prisons in Dadu and Mirpurkhas by December 2018.

The Committee for the Welfare of Prisoners presented its achievements to the Home Secretary, Sindh on 9th August, 2018. The Committee is a public private partnership model with Government of Sindh which provides legal representation to first time under trial prisoners, who are poor and needy and are implicated in petty offences.



Mr. Abdul Ghani Soomro, District and Sessions Judge, Hyderabad inaugurated the vocational training centre at the Hyderabad Women's Prison on 2nd August, 2018.

The project achievements of CWP-LAO were discussed with the Minister for Women Development Ms. Shela Raza in a meeting on 24th September, 2018 who expressed her satisfaction with the legal aid being provided to female prisoners across all four female prisons in Sindh.



Justice Nasir Aslam Zahid, chairperson LAS, CWP-LAO was invited by the High Commissioner of Pakistan Mr. Sohail Mahmood to India on 1st September 2018 in New Delhi where the Committee for the Welfare of Prisoners work was discussed.

SEWING CLASSES AND VOCATIONAL CENTRE INAUGURATED IN HYDERABAD

The Committee for the Welfare of Prisoners with the support of the Womens Development Department and Sindh Prisons established a vocational centre providing sewing classes for female prisoners in Hyderabad on 2nd August, 2018. The facility provides constructive recreational and professional skills training for female prisoners to assist them with their reintegration post release.

FOOTBALL CAMP IN THE YOUTHFUL OFFENDERS INDUSTRIAL SCHOOL IN KARACHI

In partnership with Karachi United, 98 juvenile prisoners were provided with professional football coaching over the last year. The Committee for the Welfare of Prisoners – Legal Aid Office with the support of Women Development Department has continued its collaboration and 47 new juvenile prisoners have been enrolled in the football camps during this quarter. The juveniles are provided with an option to join Karachi United's community centers of excellence post release to continue with their sports training

EDITORIAL

BY EXECUTIVE DIRECTOR
HAYA EMAAN ZAHID

The **#MeToo** movement, which has spread like fire across professions in countries such as neighboring India, does not seem to have caught as much wind in Pakistan barring a few instances from the show business industry. A recently published article in Dawn titled “Can the Women of Law get Justice?” took the matter of gender and structural inequality (along with work place sexual harassment) head on within the spheres of the legal profession. The bluntly worded article was based on a perceptions survey (the article does not quantify the sample size nor the sampling

methodology) of female litigators which brings to light some hard hitting and ugly truths in a profession that has always been androcentric. Whether faultfinders say the article excessively generalizes or that the findings are laden with interviewers’ bias, the majority will agree that it succeeded in doing one thing. It generated vociferous debate. Conversations took place on social media, in hushed whispers amongst associates in bar chambers, across corridors in the high courts and district courts and even amongst retired legal practitioners. People were questioning how open such spaces were in general for women; not just those who belonged to the legal circles.

But structural and attitudinal barriers for working women come as no surprise to us. The question is if such barriers are being eroded at the same pace with which we see steady improvements in women’s literacy and workforce participation rates. The protection against harassment at the workplace law was passed after a ten year gestation period in 2010. The law obligates employers to put in place inquiry committees and provides a complainant with a choice between the internal mechanism and approaching the ombudspersons office. 8 years down the road we can heave a sigh of relief seeing more than 350 such cases have been received by the provincial ombudsperson desk in Sindh at least. More recent in the way of legislative efforts is the Sindh Maternity Benefits Act, 2018. The Act, applies to private and public organizations and provides for a mandatory maternity leave of 16 weeks- with the provision for an extension of 4 weeks. Sadly, the Act, erroneously, falls short of prescribing a penalty scheme for those that evade compliance. In addition, the poorly drafted law mandates the provision of day care facilities for organizations that employ more than 10 % women without taking into account the strength of the entire work force. Such slipshod draftsmanship could lead to more discrimination in the future in hiring women. However, one thing that surfaces is that employers, whether public or private, need to get more serious in how they treat the women in their workforce. At the same time, women need to engage with the formal systems that their predecessors did not have the luxury to rely on. Media trials alone will do more harm than good and it is imperative to know what your rights and obligations are and to follow through with pressing and handling allegations and misconduct.

LITERACY INITIATIVE JUVENILE PRISON KARACHI

The Legal Aid Society was awarded a 1-year project in September 2017 through Open Society Foundation (OSF) for enhancing the literacy of juveniles who are in conflict with the law. The program focused on young offenders/juveniles in the Karachi Juvenile Prison. It is estimated that around 500 children enter and leave this prison facility every year. LAS improved the infrastructure in the prison and renovated and refurbished three class rooms inside the prison and provided legal literacy classes in partnership with SAHEE through a specialized course to cater to the needs of youth who are in conflict in law and are confined in prison. This course is a unique blend, where the juvenile learns reading, writing and calculation and receives 15 hours of education on Law, Criminal Justice System and its Procedures, Juvenile Justice System, Probation, Parole and Prison Rules. 372 Juveniles attended this course over a period of 6 months. An external impact evaluation of the project indicated positive outcomes.

English: 34% of boys were able to read sentences, whereas 24% boys were able to read words only. 32% of boys were able to comprehend sentences while 20% boys were able to comprehend words.

Urdu: 46% of boys were able to read a story. All boys who read the story were also able to answer the first question related to the story.

Arithmetic: 14% of boys were able to do two digit division, whereas 22% of boys were able to do two digit subtractions. 40% of boys were able to recognize numbers (11-99), whereas 18% of boys were able to recognize numbers (1-9).



The Basic and Legal Literacy project concluded in the month of August 2018. This project empowered young offenders by informing them about their rights and will assist them in starting afresh once they are released.

Maleeha Azhar
Program Manager

On 30th August 2018, the Senate of Pakistan, in response to a question, was apprised of the 594 Pakistanis currently confined in Indian Jails. 472 Indians are confined in Pakistani Jails. 420 Pakistani prisoners have been released by India in the last five years while 1,997 Indians prisoners were released by Pakistan in the said period. Much of the dilemma relates to the fisher folk community which used to greet each other mid-sea and occasionally even exchange goods or their catch. The scenario was changed in the early 80s when arrests and confiscation of fishing boats started to rise.

Members of Pakistan India peoples' Forum for Peace and Democracy (PIPFPD) held a roundtable conference on 31st, August 2018 in New Delhi on the issue of prisoners. The delegation from Pakistan included Justice Nasir Aslam Zahid, Barrister Haya Emaan Zahid, Altaf Khoso Advocate and Mr. Karamat Ali who were warmly welcomed by members of the Indian civil society. Representatives of the Pakistani High Commission also participated in the roundtable despite the Ministry of Home Affairs and the Ministry of External Affairs of the Government of India, which did not partake.

At the heart of the matter lies the continuing dispute between India and Pakistan over Sir Creek; a 100 km long estuary in the marshes of the Rann of Kutch, which lies on the border between the Indian state of Gujarat and the Pakistani province of Sindh. Sir Creek is a fluctuating tidal channel along which the boundary between India and Pakistan has not been demarcated. Till 1954, the border around Sir Creek was open however after 1954, the stances on both sides became unyielding as the area can be regarded as the biggest Asian fishing ground.

The statement from the roundtable conference that was released included the demand that governments must follow the international and bilateral treaties and agreements on the issue of prisoners and make sure that the agreements, including for consular access, communication of the sentence on medical and good conduct basis, speedy verification of nationality, etc are implicated. In addition, both countries must activate, with immediate effect, the stalled process of the Joint Judicial Committee on prisoners which has not met since 2013. Both sides of the marine forces must implement absolute restraint in arresting fishers and confiscating boats.

INDO-PAK ROUNDTABLE CONFERENCE ON PRISONERS

The families of those in jails of India and Pakistan from the other country must be allowed to communicate a frequent basis with the under-trial prisoner person serving the jail term. Pakistan had release 57 boats earlier and is in the process of releasing more boats in operational condition. India must reciprocate the action to make sure that trust and confidence are maintained at the diplomatic level. India must keep all fish worker prisoners from Pakistan in a single jail, to facilitate and ease consular access.

Altaf Khoso
Senior Advocate

Group Discussions with Community Leaders

LAS has conducted three group discussions with community leaders in Karachi, Shaheed Benazirabad and Sukkur on community-based issues for the purpose of reorienting communities on ADR-mechanisms especially those related with public administration and to map potential community issues for the class actions.

Free Legal Advisory Camps

CWP-LAO's team of advocates organized 20 Free Legal Aid & Advisory Camps in 20 Prisons of Sindh on a large scale for old age prisoners, women prisoners, foreigner prisoners, young offenders, seriously ill patient prisoners, repeat offenders and lifers, New UTPs and Convicts. The beneficiaries of these camp were 530 UTPs and convicts in 20 prisons of Sindh. In these camps CWP-LAO's team of advocates provided basic legal awareness and free legal advice and legal aid was given to those who needed it.



The Legal Aid Office conducts weekly legal aid clinics inside prisons ensuring face to face contact and meetings with its clients. In addition to interviewing prisoners individually, legal advisory camps are conducted in which general knowledge and information on legal procedures and rights is provided. The picture shows one such legal aid camp conducted inside the Women Prison in Karachi on 24th September 2018.

RESEARCH UPDATE

THE VICTIM AND THE ACCUSED: AN ANALYSIS OF LEGAL NEEDS IN THE CRIMINAL JUSTICE SYSTEM IN SINDH

Legal Aid Society published a paper on the legal needs of the victim and the accused which was authored by Omar Maniar. The study was premised on the fact that the victim and the accused both have an imbalance in knowledge and awareness of the legal system which impacts their access to justice and perception of the criminal system. The study looked at calls received by the Legal Advisory Call Centre (LACC) from Sindh between 2015 to 2017 selecting the most common criminal law calls related to Criminal Procedure Code, Pakistan Penal Code, Female Gender Based Violence, Illegal Dispossession, Cybercrimes Immigration and Narcotics cases. The mode of resolution the callers were referred to was noted as most women wished to informally solve their matters in the presence of family elders. It was revealed that the refusal to register FIRs (First Information Reports), illegal detention, corruption, false implications in a crime and perceptions of inefficient investigation and prosecution in frequency and commonality of complaints were rampant.

The study emphasizes that the criminal justice system must recognize the interpersonal power dynamics in crimes. It was found that in all categories even in illegal dispossession, cybercrime and female gender based violence, a large number of crimes are committed by perpetrators known to the accused. This impacts the relationship and the effect they have on a victim's experience of reporting their victimization and assisting in the prosecution of the accused. Hence there is a need to delegate some control over the process to the victim seeking to gain power through the backing of the formal justice system but wanting some control over the impact of the complaint on their relationship with the accused. The State needs to loosen its monopoly on criminal justice and include victims, through victim assistance, independent representation (State funded, where required) and the acceptance of victim-centric restorative justice procedures.

The LACC also received multiple requests for referrals to legal aid services. There is no centralised legal aid service in the province of Sindh or the equivalent of a public defender. Thus continuing poor accountability and lack of transparency also impacts the trust placed by the public in the system and diminishes access to justice.

Naima Qamar
Research Associate



of under trial prisoners in the province did not have legal representation. (Source: Baseline study by LAO)



of those who had hired a lawyer were dissatisfied with the quality of representation.

COMMUNITY LINKAGES

In July 2017, the Legal Aid Society (LAS) was awarded a one-year grant by the Human Rights Commission of Pakistan (HRCP) and the Equal Rights Trust (ERT) to provide direct legal assistance to victims of discrimination. In accordance with LAS' mandate, the organization focused its assistance on socially disadvantaged populations with a particular emphasis on women suffering from intersectional forms of discrimination based on their socio-economic status and their vulnerability as wives and mothers. Our case referrals came from deep links with disadvantaged communities in interior Sindh and through partnerships with state-run institutions such as Dar-ul-Amans (women's shelter homes DUAs) and Child Protective Service Units (CPUs). During such community visits and consultations with persons at CPUs and Dar-ul-Amans, LAS advocates discussed various legal issues, informed people of their legal rights, and represented clients in court. We offered these services through our seven offices across the province in Karachi, Khairpur, Hyderabad, Sanghar, Sukkur, Nawabshah, and Larkana.

During the course of this one-year cycle, Legal Aid Society

advocates advised 406 people about their legal rights and remedies. Of this number, cases were filed on behalf of 281 people.

HRCP and ERT's grant enabled LAS advocates to strengthen their connections with disadvantaged populations and to make valuable contributions to combating all forms of discrimination against legally protected groups. LAS will continue to work in close coordination with the communities in which it works and will build on the referral networks with the DUAs and CPUs.

Jawziya Zaman



SUCCESS STORY

ADNAN SAMI AND A VICTORY AGAINST ADMINISTRATIVE INJUSTICE!

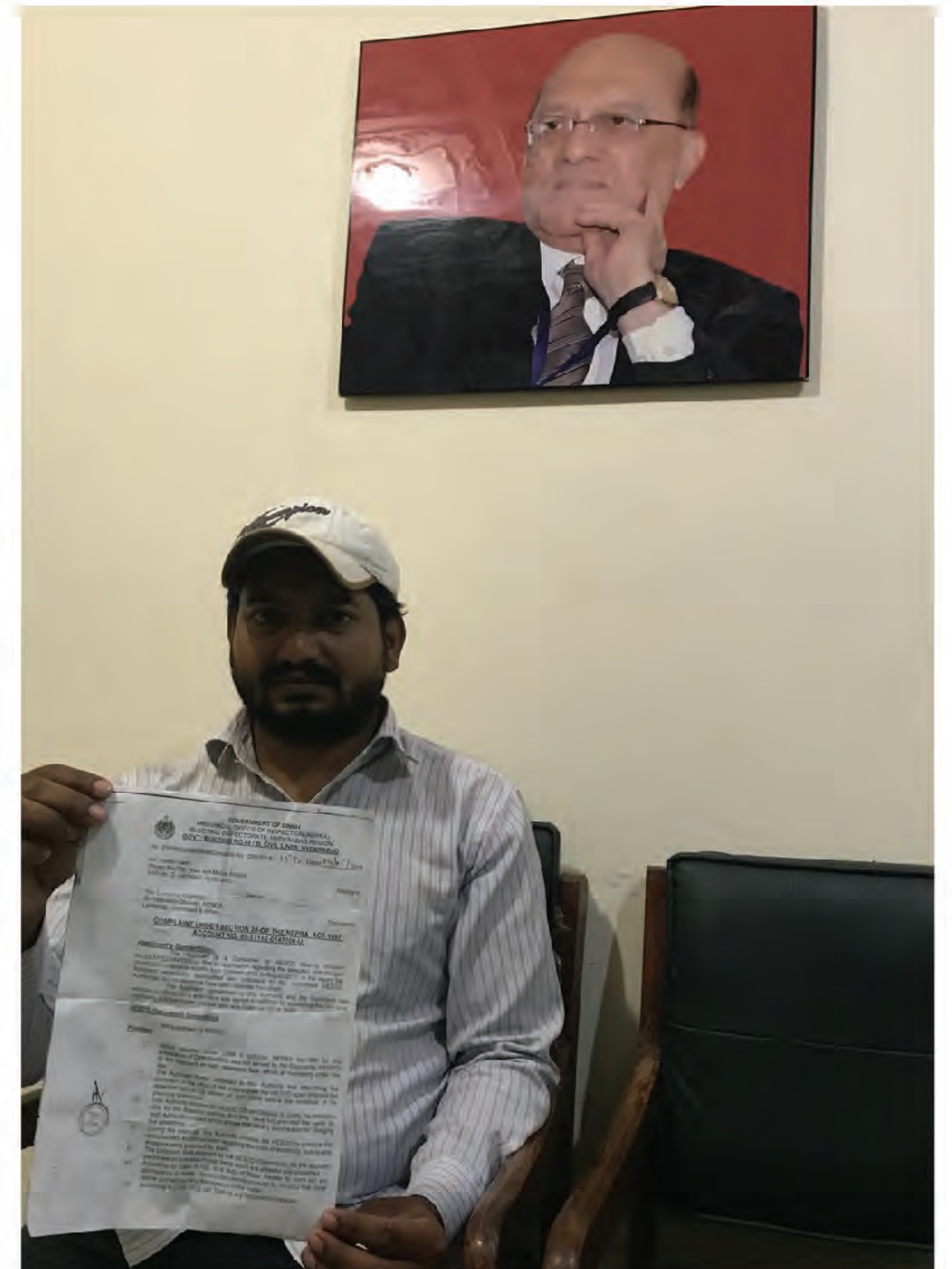
27 year old Adnan Sami belongs to a poor family and runs a mobile repairing shop. In the month of November 2017, he noticed extra charges marked in his monthly electricity bill on the pretext of 'unexplained detection'. He continued to receive such enhanced bills with extra amounts over the next few months. Belonging to the lower middle class, striving day and night to make ends meet, Adnan's anxiety continued to grow. He wouldn't be able to pay the amount which stood in excess of a hundred thousand rupees. He approached the concerned department Hyderabad Electric Supply Company (HESCO), a government entity regulating electricity of the concerned region. However, all his hopes turned into ashes as the red tape in these offices consumed him with little progress to show. Adnan received some hope when he came to know that his case could be referred to an administrative body for his grievance against HESCO. He was informed so by the field team of the Legal Aid Society which conducted an Alternative Dispute Resolution (ADR) clinic with Hyderabad Mobile Phone and Dealers Shop Keepers Association in the month.

The LAS team and Adnan approached the office of the Federal Ombudsman in Hyderabad and filed a complaint against HESCO. However, the Ombudsman office cannot entertain cases which amount to more than fifty thousand rupees. He was advised to file a complaint with National Electric.

NEPRA a supra power regulatory authority was now perhaps his last hope before opting for the unwanted court-based litigation process. LAS team and Adnan approached the NEPRA office and filed an application. The application was admitted and the relevant HESCO officials were summoned. After listening to Adnan and representatives of HESCO, the NEPRA official announced that "the application is approved and all the extra-charges must be reversed".

Adnan became very happy. "It was one of the happiest moments of my life. I felt really relieved". While expressing his feelings Adnan remarked that "If I had not been empowered to approach the Office of the Ombudsperson and NEPRA, I would have continued suffering horrors of detection and would have never been able to approach courts for justice".

Jamil Junejo
Community Engagement Manager



CWP-LAO UPDATES

338

Legal advisory clinics conducted.



233

Prisoners provided with free legal advice.



505

Vakalatnamas filed in courts for prisoners.



111

Acquittals obtained on merit for clients.



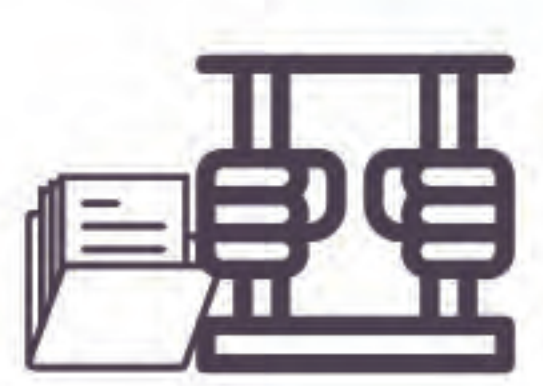
27

Acquittals obtained on quashment of proceedings for clients.



170

Bail applications filed for prisoners.



137

Bail applications granted in favour of prisoners.



HIGHLIGHTS OF SUCCESS FROM THE LEGAL AID SOCIETY

Legal Advisory Call Centre

The Legal Advisory Call Centre has received **3,117** registered calls in this quarter taking the total number of registered calls up to **57,107**.

Salis Notification

LAS has received new nominations of 316 Salis members under the ADR - Alternative Dispute Resolution project. These Salis have been notified by the Honorable High Court of Sindh through Notification No. GAZMisc-2004(8)(i) on 9th August 2018. LAS will continue to provide mediation training to the new nominees.

Liaison with Office of Federal Ombudsman (Sanghar)

Sanghar Field Team conducted a meeting with the Federal Ombudsman Team: Mr. Khazi Khalid (Legal Advisor), Mr. Murtaza Jawri (Assistant), Mr. Basheer Ahmed Soomro who visited Sanghar to listen to community issues.

Legal Aid and Community Representation

In this quarter LAS has provided free legal representation in the courts to 57 community members which includes 53 females and 04 males.

ANNUAL RETREAT

The Annual Retreat was held on 4th August, 2018 at the Countryside Chalet Resort in Karachi. The goal of the one day retreat is to promote team building amongst all the staff and to highlight achievements and successes from the year. Certificates were distributed to the high performers to motivate them and others. Other highlights included a cricket match, football match, rope pulling activities and the traditional kho kho game between staff members. Top performers included **Sadia Ranjhani, Sana Sharif, Muhammad Sajjad, Danish Soomro, Amanullah, Jai Prakash, Yashaullah, Farrukh Makhdoomi, Shahzad Khuram, Jamshed Ahmed, Irshad Shaikh, Zahid Messo, Sumreen Syed, Murtaza Maitlo, Habibur Rahman Jiskani, Aakif Sheikh, Zaman Sarwar, Mahrukh Khurshid, Tayba Khalid and Adeel Ansari.**



Alternative Dispute Resolution Awareness Clinics

Our Field Team has conducted 115 awareness clinics with different communities to create awareness around Alternative Dispute Resolution mechanisms in this quarter. 50 of these clinics were with Union Councils and the remaining included NGOs/ CBOs, Associations, and Labor Unions. These clinics were attended by 3,162 beneficiaries.

ADR Cases Registered to Ombudsman Office

The LAS Field Teams of Sukkur, Larkana, Hyderabad, Sanghar, Shaheed Benazirabad, Karachi, and Khairpur have assisted citizens in filing complaints before the Federal and Provincial Ombudsman offices. 85 cases have registered and many cases have successfully been resolved on the issues of NADRA, K-Electric, Education & Literacy Department Sindh, HESCO (NEPRA), SEPCO, Sui Sothern Gas Company and etc.

Basic Literacy Project

The Legal Aid Society in collaboration with Open Society Foundation and SAHEE completed the basic legal literacy project in the Juvenile prison in Karachi. 372 Juveniles graduated from the course covering legal topics and English, Urdu, and Mathematics.

HEAD OFFICE:

Spanish Homes, Mezzanine Floor, Plot No. 13/A, D.H.A., Phase 1, Karachi.

PHONE:

+92-21-99266011-4 Fax:
+9221-99266015
LACC: 0800-70806

Email:

info@lao.org.pk,
laocpkhi@hotmail.com

Website:

www.lao.org.pk
@LegalAidSocietyPakistan
@LegalAidOfficePakistan