



NEWSLETTER

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STRENGTHENING SINDH'S SEXUAL VIOLENCE RESPONSE FRAMEWORK IN PARTNERSHIP WITH THE WOMEN DEVELOPMENT DEPARTMENT

Legal Aid Society has entered into a Memorandum of Understanding (MOU) with the Women Development Department (WDD), Government of Sindh on 8th February, 2019. Ms. Alia Shahid, Secretary of the WDD and Justice Nasir Aslam Zahid, Chairperson LAS, signed the MOU at the office of the LAS in Karachi under which a comprehensive response framework for sexual violence would be developed for the province. The partnership also entails grassroots mobilization in the districts of Hyderabad and Sukkur with limited outreach to Khairpur. LAS will also be providing capacity development services to the staff of the WDD.

COLLABORATION WITH THE SINDH COMMISSION ON THE STATUS OF WOMEN

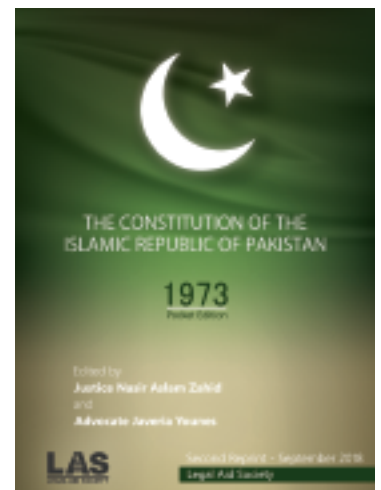
Legal Aid Society signed a Memorandum of Understanding with the Sindh Commission on the Status of Women (SCSW) on 14th January, 2019 at the LAS office. It was agreed that SCSW will raise awareness of the toll-free number (0800 70806) which provides legal advice and shall refer women in distress for solutions to their legal problems. SCSW also agreed to look into cases related to gender-based violence, domestic violence, child marriage and other serious crimes referred to it by the LAS.



RESEARCH DESK

Legal Aid Society released a new edition of its Pocket Constitution (as modified up to the 25th Amendment 2018). This edition is the Second Reprint after the Pocket Edition of the Constitution was first published in November 2013. The 2018 edition, edited by Justice Nasir Aslam Zahid and Advocate Javeria Younes has been widely distributed. It has now gone into its second reprint due to great demand. For queries contact:

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The skirmishes between India and Pakistan; who were recently at the brink of another war; seem to have de-escalated after weeks of heightened tension. As the dust begins to settle, the two countries met for bilateral talks to etch out a transport corridor for pilgrimage for Indian Sikhs to a revered Sikh temple in Pakistan. On a tangent, the travesty is that the local nay-sayers can't seem to let the dust settle around a few hundred women coming out in some major cities across Pakistan to commemorate the International Women's Day. Rallies under the banner of "Aurat March" proceeded for a few hours in main cities on 8th March, 2019 where women, transgender persons and non-binary people and other groups came out to sing, cheer, perform and above all show collective strength against oppressive patriarchal norms and practices. The overall demands were quite simple; equal labour laws, equal economic and social opportunities, justice, protection against gender based violence and harassment etc. Yet the main attention was given to placards displaying the participants' aspirations in less "conservative" and "traditional" ways. Whether one feels the messages in the content were botched due to an

EDITORIAL

BY EXECUTIVE DIRECTOR
HAYA EMAAN ZAHID

overzealous packaging of scorn and resentment towards the opposite gender, one thing is clear - a wide spread public debate was aroused which in our slumbering society is no small feat. The organisers have since been threatened with some receiving death and rape threats on social media and a sitting member of the provincial assembly has filed a first information report against them for disrespecting and impugning the ideology of Pakistan. If only such reactions were commensurate against the entire spectrum of threats our fragile

society and collective social consciousness faces today. Merely a week before the Aurat March, the tortured and mangled body of a 10 year old fourth grader was recovered from a water tank in the Bin Qasim Railway Colony area of Karachi. The minor was brutally raped and murdered and the police are proceeding against the suspect who is a 21 year old neighbor who was in all likelihood known to both the victim and her family. Such cases are not novelties. According to the Human Rights Commission of Pakistan, an incident of rape occurs every two hours and an innocent victim is gang-raped every four to eight days. Kainat Soomro painstakingly continues to fight for justice 12 years after she was drugged and gang raped by four men. She was 13 years old at the time when she was abducted. If only the same level of noise was amplified against the perpetrators in every such case as was meted out against these placard-holding extremist femi-nazis of the Aurat March; the yin-yang balance would prevail. It is the job of NGOs', civil society groups and rights' activists to create movements and momentum which can usher in a wave of much needed reform which starts with a change in mindset. Such movements are only sustainable when they are driven and led by those who are affected. It is unlikely that creative chaos and disruption to the existing scheme of things would be stirred by those that remain unaffected on the sidelines. Likewise, it is the responsibility of the government to respond with better laws and create effectively functioning mechanisms at the preventive, secondary response and tertiary stages which will also provide clear messages to extremists on both sides of the debate.

QUARTERLY HIGHLIGHTS OF LAS



World Justice Project

ADR Cases Registered before the Ombudsmen Offices

The LAS field teams from Sukkur, Larkana, Hyderabad, Sanghar, Shaheed Benazirabad, Karachi, and Khairpur helped various communities to register cases of maladministration before the offices of Federal and Provincial Ombudspersons. **139** cases were registered from January to March 2019. Such cases were related to, but not limited to, NADRA, K-Electric, Education & Literacy Department, HESCO, NEPRA, SEPCO, and Sui Southern Gas Company.

ADR Registered Queries

In this quarter the Sindh Legal Advisory Call Center received **722** registered ADR queries and provided legal advice and information to the callers on maladministration issues in public service matters.

Legal Aid Society's project on ADR has been selected as one of the 30 projects shortlisted for showcasing at the World Justice Forum VI at the Hague, Netherlands. The expo showcasing innovative access to justice solutions will be held from April 29 - May 2, 2019.

INDIAN PAKISTANI PRISONERS' RIGHTS

The Legal Aid Office hosted a meeting at its head office in Karachi on 9th January, 2019 to discuss the strategy for advocating for Indian and Pakistani fishermen prisoners. The meeting was attended by Justice Nasir Aslam Zahid, Mr. Saeed Baloch, Mr. Faisal Edhi, Mr. Karamat Ali and senior journalist and activist for human rights Mr. Jatin Desai who was visiting Pakistan from Mumbai. It was decided that lobbying at the federal level would continue to emphasize on the need to nominate the judicial members from Pakistan for the dormant Indo - Pak Joint Judicial Committee for Prisoners. In India and Pakistan, nationality confirmation causes delays in virtually each case. Nationality must be confirmed within three months of consular access. The Agreement on Consular Access, 2008, must be implemented in letter and spirit.



WELFARE DESK

The Committee for the Welfare of Prisoners in collaboration with the Women Development Department, Govt. of Sindh distributed warm clothing to the inmates at the Women and Juvenile Prisons in Sukkur. Sweaters and other items of warm clothing were distributed to 24 prisoners.

FOOTBALL TOURNAMENT AT THE KARACHI JUVENILE PRISON

The Committee for the Welfare of Prisoners-Legal Aid Office, in partnership with Karachi United & Women Development Department, Government of Sindh organized a two day "YOIS Football Tournament" to promote sports amongst juvenile prisoners. A football match was played between the team from the YOIS and Karachi United. The tournament provided a platform for juvenile prisoners to enhance their social interaction and sports skills with a team from outside. Both teams performed very well and the match was finished with penalty shoot outs with the YOIS Karachi Prison team winning in the end. Mr. Muzaffar Alam Siddiqi, I.G Prisons Sindh, Justice Nasir Aslam Zahid, Chairman CWP-LAO, Ms. Alia Shahid, Secretary Women Development Department, and Mr. Qazi Nazeer Ahmed, DIG Prisons distributed trophies amongst the winning team and the runner-up team.



LEGAL EMPOWERMENT DESK

TRAINING OF TRAINERS FOR THE PRISON PARALEGAL PROGRAM

A 6 Day Training of Trainers was conducted at the Karachi Women's prison and the Central Prisons in Hyderabad, Sukkur and Karachi through which selected convicts were provided paralegal training. The paralegal program is conducted through modules of eight training sessions i.e. a total of 16 hours of rigorous training is provided on topics which include the Constitution and fundamental rights, criminal law, criminal procedure, family law and inheritance, probation and parole. This



PLANTATION DAY ACTIVITY AT THE ELC IN KARACHI

A fun-filled activity on plantation and the importance of growing trees was held with the children at the Early Learning Centre, Women's Prison in Karachi on 6th March, 2019. The children planted saplings of their favorite plants and planted them in a pot which they kept outside their class room. The aim was to teach the students the importance of protection of plants and to instill a sense of responsibility towards the environment.



round of TOTs has produced 22 new female trainers and 72 male trainers. All participants were presented with certificates in the end as the qualification assists them with obtaining remissions i.e. reductions in their sentences.

Justice Nasir Aslam Zahid, Chairperson CWP-LAO participated as a Chief Guest at the closing ceremony of the TOT at the Central Prison in Karachi. He emphasized on the role of paralegals to sustain the concept of legal empowerment among the under trial prisoners and also appreciated the efforts of the prison administration for their immense support.

PRO BONO PARTNERSHIPS

It is integral to highlight that the longstanding problem of Pakistan's legal system is the justice gap between the demand and the meagre service of effective legal aid. What further exacerbates the disequilibrium is the lack of motivation and absence of a pro bono or 'low bono' culture amongst the legal fraternity. As a non-profit organization serving the needs of underprivileged clients, it is not possible to provide free of cost services to all those in need owing to resource constraints. In addition, the more technical a case becomes or the higher the case proceeds in the appellate hierarchy, the more necessary it becomes to identify more experienced allies. It is in this context that LAS initiated its pro bono partnership program a little over a year ago under which it sought to identify allies within the legal fraternity with whom a structured pro bono partnership model could be sustained. The end result was to maximize efforts so that fair and effective justice outcomes can become a reality even for the poorest of the poor. Under the program LAS solicits pro bono assistance for individuals seeking legal aid in cases or jurisdictions in which LAS cannot assist them. Clients are interviewed and assessed, their legal documents are tracked and then vetted and case summaries are prepared. These summaries are shared with interested lawyers and law firms in our network. We are proud to share that all our pro bono partners epitomize the finest in professionalism. They are responsive, personable, and thoroughly attentive to our client's needs and these nascent partnerships have already resulted in some momentous victories and success stories. As a non-profit organization serving the needs of the underprivileged and marginalized sections in Sindh, we would not have been able to afford the quality of legal representation that we received, had it not been for our partners. We would like to feature two pro bono warriors from our network in this feature:

ADVOCATE FAISAL SIDDIQI



The accused in this referral case namely Asia Bibi, was sentenced to life imprisonment along with a fine of Rs. 500,000 by the Special Judge of the narcotics branch. She appealed against this order but her case was dismissed by the Sindh High Court, Karachi. Her subsequent appeal to the Supreme Court also met the same fate - dismissed. Her review petition was taken up by Mr. Faisal Siddiqi, Advocate of the Supreme Court on a pro bono basis through a referral by LAS. Asia had been incarcerated for five years and was left with little to no hope. She had her six children and husband waiting for her on the outside but she was losing hope. She had no access to information regarding her case nor did she have any finances. In this state of utter despair, her matter was taken up by LAS who referred it to one of their trusted pro bono partners, Mr. Faisal Siddiqi, Advocate Supreme Court. Mr Siddiqi appeared on Asia's behalf in her pending review petition before the Supreme Court. The review was allowed and the accused was immediately released with her sentence modified to one that was already undergone.

BARRISTER ASAD HALEPOTA

The accused in this referral case was sentenced for committing the offence of cheating and fraud under section 428, 468 and 471 of the PPC in 2015 by a Presiding Officer in Karachi. He was sentenced to 7 years' rigorous imprisonment with a fine of Rs. 600,000 on each count. The matter was brought to the attention of LAS by our prison paralegal teams that work at the Central Prison in Karachi where the accused was in confinement. The matter fell outside the purview of the organization hence it was referred to one of our pro bono partners, Barrister Asad Halepota who filed an appeal at the Sindh High Court in Karachi and successfully obtained an order in 2019 for the client's immediate release.



The accused had spent 4 years and 8 months in prison. He stated that during this time he was misled, deluded and misrepresented by the several counsels he had hired to contest his case. Having given up any likelihood of justice, Barrister Halepota came as a ray of hope for the accused. The accused reiterated how indebted he was to LAS and Barrister Halepota for their support and assistance in helping him reunite with his family.

CNICS ISSUED TO PAKISTANI BENGALIS AFTER LONG DELAYS

The Pakistani Bengali community in Karachi has one common complaint: NADRA's repeated and deliberate refusal to issue or renew their CNICs. Newspaper articles in recent years have reported increasing numbers of Pakistani Bengalis who either do not possess CNICs or have had theirs revoked on suspicion of being illegal immigrants. The effects of not having an identity card are grave: citizens are prevented from accessing public services, obtaining mobile phones, opening bank accounts, applying for many jobs, and going to school.



These are precisely the kinds of complaints the Legal Aid Society's ("LAS") field team encountered from many Pakistani Bengalis during their community engagement trips. LAS immediately sent a Legal Notice to the Director of NADRA requesting that CNICs be issued to a list of affected citizens. After repeated follow-up with the Director, a status update was obtained from NADRA of each individual's case with next steps to be taken. Field team officers Fazul Rehman and Akbar Hussain accompanied each community member to their local NADRA office, discussed the case with the officers in charge, and as a result, were able to obtain CNICs for at least three individuals who had otherwise lost hope of being issued their cards after much uncertainty, waiting, and being previously turned away from NADRA. This is an important victory for the entire Pakistani Bengali community, and LAS intends on filing lawsuits for other affected members whose issues are not resolved locally at their NADRA offices.

Jawziya Zaman

TRAINING DESK

TWO - DAY TRAINING ON SEXUAL VIOLENCE AND COMMUNITY ENGAGEMENT

This training was jointly designed for the field staff of the Legal Aid Society and the Women Development Department and was conducted on 18th and 19th February, 2019 in Karachi. 21 participants attended this training which covered the conceptual framework of sexual violence; sexual abuse, sexual assault, rape, intimate partner violence, marital rape, sexual relations with a minor (with or without consent), forced marriages (including child marriage), forced prostitution and trafficking. A host of interactive activities were conducted to ensure a better understanding of the values and norms associated with sex and gender. A detailed monitoring and evaluation session was also held to ensure staff members of

the LAS were introduced to the project's indicators and M&E framework. Field teams were asked to design lesson plans for different communities such as the transgender community and present their plans before their peers for further improvement. Ms. Alia Shahid, Secretary-Women Development Department, joined the training and encouraged the participants and shared experiences from her work with the Social Welfare Department and the Women Development Department. Justice Nasir Aslam Zahid attended the last day of the training and distributed the participant's certificates and closed the training.

Tayba Khalid



AN INTERVIEW WITH MS NAVIN MERCHANT

MEDIATION EXPERT, ADVOCATE OF THE HIGH COURT, PARTNER AT MERCHANT LAW ASSOCIATES

Q. Please give us the background of how you got involved with mediation?

A. In 2006 the World Bank came to Pakistan to launch a project on Alternative Dispute Resolution (ADR) and Mediation. ADR and Mediation are used interchangeably; one of the mechanisms of ADR is mediation so they mean the same thing for our work. The World Bank offered the post for the Pakistan project to me, which I initially declined but then they offered it to me for the entire program for Middle East and North Africa. As I was heading that program Pakistan naturally became a first project priority for me following that I worked on Egypt, Morocco, Lebanon and Afghanistan. Prior to that at the community level I had been involved in mediation.

In 2000 I received the training from London on mediation as a Master Trainer and following that I got a Diploma from the York University in Canada and since then onwards I was involved in training my community members who were involved in conciliation and arbitration.



Q. Do you think prior to the latest amendment to Section 89-A of the Sindh Civil Procedure Code, was there enough recognition or desire within parties to resort to out-of-court settlements ?

A. This is a very important question and actually goes to the heart of this whole concept. After leaving the job at the World Bank, I started analyzing what the reason for the failure of this concept in Pakistan was and I came up with two major obstacles at play. One was the law was not in place, the previous Section 89-A at that time was very weak, it was a flimsy two-liner, it didn't give proper mechanisms nor a proper framework for the judges to apply concepts of conciliation or mediation. Another reason was when litigants go to court they have already paid the lawyers the fees and are now reluctant to pay more to mediators. Initially we kept very low mediator fees such as as Rs. 7,500 per party which was nothing actually if you look at the years they would spend on the litigation process and the lawyers' fees. Judges were not inclined as judges did not have a proper legal framework under which they could refer matters. It has been a long journey working on the law reform. I was working on it since 2006 however recently I got in touch with the Legal Aid Society and the Sindh Judicial Academy when we started pushing for this collectively. We got it passed through the current government and much credit goes to Barrister Murtaza Wahab who is the Advisor to the Chief Minister on Law, Anti-Corruption Establishment and Information.

Q. So far the Salis have been appointed in Sindh under the Small Claims and Minor Offences Ordinance 2002. How is this process in your view?

A. I don't think any further process has been identified. There is this law as you mention, the Small Claims and Minor Offences Ordinance 2002 (SCMOO) and the High Court has appointed these Salis members. I have trained more than 100 Salis with the LAS and SJA but I don't think there is still any proper mechanism in place for the judges to actually refer cases to them and there is still a gray area that we need to work on.

Q. Do you feel the gap in the legal framework has now been fulfilled in terms of the amendment to the Section 89-A of the CPC?

A. Right now the judiciary is not aware that this law has been passed and we need to make them aware. There has to be an across the board awareness raising campaign for the judges and the litigants keeping in view that this new law is in the field and it really provides a very good framework, a very thorough mechanism for how the cases will be referred, how they will go back, what the judge will do after that. It provides a proper procedure but the judges don't know this. So my request to LAS and SJA is to continue to chip in so we can work towards a series of workshops for the judges.

Naima Qamar

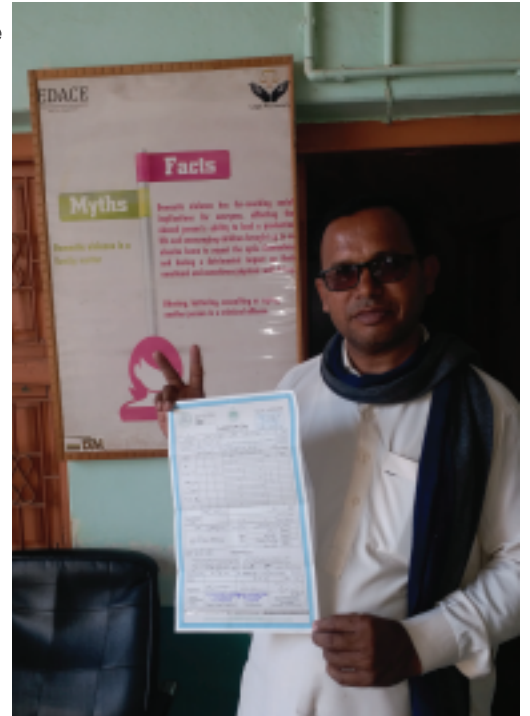
The Sindh Legal Advisory Call Center in partnership with the Law Department, Government of Sindh has provided free legal advice and information to **10,393 callers** from January – March 2019

SUCCESS STORY OF RATAN KUMAR

“There are many things that seem impossible only so long as one does not attempt them.”—André Gide

48 years old Ratan Kumar Paryar is a resident of LBOD colony, Taluka and District Sanghar. He is a tailor by profession with scanty income means. He has to take care of three daughters and a son. Ratan sold his 1500 square foot plot in 2016 because he needed money to make arrangements for his daughter’s marriage ceremony. In the absence of an updated law regulating bridal gifts and dowry, it is not surprising to note that Ratan had to sell his property to make arrangements including the dowry for the marriage of his daughter.

He had mutated a sale agreement with the purchasing party and needed a sale certificate. Mr. Ratan approached the office of Muhtiyarkar Revenue, Sinjhoru for issuance of such sale certificate. He also paid Rs. 1500 for the fee certificate. Subsequently, he was issued a certificate but mala fide the revenue officer did not mention an expiry date on the certificate. Hence, for a simple correction, Mr. Ratan visited the revenue office many times but the concerned staff did not pay attention for around 8 long months.



After hearing about LAS ADR clinics, he visited the LAS-Sanghar office on 13-2-2019 and shared his issue with the LAS team. On the same day the team registered his complaint against the Revenue Department in Sinjhoru before the Provisional Ombudsperson. The Ombudsperson immediately responded and called him for a hearing on 1-3-2019, right after the complaint was registered. Soon after that the Provisional Ombudsperson ordered the concerned Revenue Department officials to issue the correct version of the sale certificate on an immediate basis. As a result of this the Revenue Department Sinjoro issued the correct version of the plot-sale certificate on 13-3-2019 to a relieved Ratan.

Jamil Junejo

MEETING OF PROJECT ADVISORY COMMITTEE

The 1st meeting of the Project Advisory Committee (PAC) was held at the LAS office on 13th February, 2019. The PAC has been formed under an ongoing project of LAS on Improving Government of Sindh’s Response to Sexual Violence so that technical expertise can be plugged into the development of the framework and the Government and other experts can be brought together effectively.

The Committee consists of the following members:

1. Ms. Sarah Zaman, Independent Researcher, Karachi
2. Ms. Nazish Brohi, Writer and Development Professional, Karachi
3. Ms. Sara Malkani, Advocate High Court, Karachi
4. Mr. Faizullah Korejo, PSP
5. Mr. Shehneel Gill, Lead Trainer, Aahung
6. Dr. Summaiya Syed Tariq, Senior Medicolegal Officer, Civil Hospital, Karachi.
7. Ms. Asiya Munir, In-House Lawyer, WAR Against Rape, Karachi
8. Ms. Kausar S. Khan, Head of Behavioral & Social Sciences, Aga Khan University, Karachi



The committee members’ extended various valuable suggestions regarding effective delivery of the project especially with regards to the Sexual Violence Framework which will be drafted and shared with the Government in the beginning of April, 2019.

Jamil Junejo

FREE LEGAL AID AND AWARENESS IN PRISONS

Right to a fair trial and due process are fundamental human rights however, a large number of under trial prisoners (UTP) in Pakistan remain deprived of such rights which is largely on account of lack of free legal aid services and lack of legal awareness. In this backdrop, Committee for the Welfare of Prisoners – Legal Aid Office provides legal aid and advice to UTPs across 25 prisons in Sindh. During the period of 1st January 2019- 31st March 2019 the following has been achieved in this regard:

708

Vakalatnamas filed in courts for prisoners



334

Clients released through acquittals on merit



273

Bail applications filed



328

Bail applications argued and allowed



FOR FREE LEGAL ADVICE CALL

0800-70806

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SLACC

Sindh Legal Advisory Call Center

Sindh Legal Advisory Call Center In
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