

LAS has conducted 48 awareness sessions on Sexual Violence and related laws with communities in Hyderabad, Sukkur and Khairpur. 1,570 community members have attended these sessions and are coming forward with reporting more instances of rape and sodomy. At present LAS is representing 3 survivors in such cases.

## COMMUNITY EMPOWERMENT ON SEXUAL VIOLENCE LAWS

JULY-SEPTEMBER 2019

# NEWSLETTER **LAS** LEGAL AID SOCIETY

ISSUE NO. 09



## ADR SUCCESSES

LAS has assisted 152 community members in approaching formal and semi-formal ADR methods for the resolution of their legal problems. Complaints and applications have been made before the Federal Ombudsperson related to NADRA, HESCO, Sui Southern Gas Company, Benazir Income Support Program, Pakistan Railways, Pakistan Bait-ul-Mal, WAPDA, K-Electric, SSGCL, SEPCO, NAVTTC. 08 cases were resolved in which community members succeeded.

## LINKAGES WITH OMBUDSPERSONS' OFFICES



LAS Team conducted 128 community re-engagement meetings with 1077 community members based in Karachi, Hyderabad, Larkana, Sukkur, Khairpur, Nawabshah and Sanghar. The focus of these meetings was to revisit the concept of ADR to assist communities with filing their grievances before the offices of the Federal and Provincial Ombudsperson. LAS organized a meeting of the Federal Ombudsperson of Hyderabad with members of the transgender community on 27 August, 2019. Mr. Ghulam Hussain Soho, Regional Director, Federal Ombudsperson assured the community of his assistance in resolving their issues which related to CNICs and unemployment.

## ANNUAL & QUARTERLY PERFORMANCE OF THE SINDH LEGAL ADVISORY CALL CENTRE

The Annual Report of the Sindh Legal Advisory Call Centre was presented to Mr. Shariq Ahmed, Secretary Law, Department on 09 August, 2019 by Ms. Haya Emaan Zahid, Executive Director LAS. The Sindh Legal Advisory Call Centre, running in partnership with the Law Department, has received 6,750 calls during the period of July - September 2019. The calls originate from 130 cities, town, villages across Pakistan and have been attended by qualified and experienced High Court-enrolled lawyers.



City Helpline: 3300 7000  
**SLACC**  
Sindh Legal Advisory Call Centre

FOR FREE LEGAL  
ADVICE CALL

**0800-70806**



# EDITORIAL BY FORMER JUDGE OF SUPREME COURT JUSTICE ARIF HUSSAIN KHILJI CHIEF LEGAL ADVISER

The Legal Aid Society turns 6 years, next month! As the Board Member and Chief Legal Adviser at Legal Aid Society and the Sindh focal person on implementation of the Supreme Court judgement dated 25 September, 2012, it gives me great pleasure to see LAS working with transgender communities. It was LAS's work with transgender individuals for awareness on laws related to Sexual Violence which chanced upon a group deprived of their basic right of possessing CNICs which led to their further discrimination.

The project Improving Sindh's Response to Sexual Violence has been working since January 2019 in partnership with Women Development Department, Government of Sindh. Many other such communities remain marginalized and unable to access basic rights. Another vulnerable group are the juveniles who are unaware of the legal protections available to them when they encounter crime both as accused and as victims. The Legal Empowerment Desk established in New Town Police Station, District East, Karachi is another initiative taken by the LAS to assist all juveniles arrested in this police station in order to equip them with legal knowledge necessary when facing criminal justice. The Sindh Legal Advisory Call Centre has turned 5 this year and as the flagship project of LAS, vows to continue its mission of helping callers access free legal advice as they navigate legal forums. LAS aims to further the rule of law and play its part in upholding the United Nations Sustainable Development Goals 16 for peace, justice and strong institutions.



## SUCCESS STORY

65-year-old Mr. Khuda Bakhsh belongs to the Moro Meerbahar village in Hyderabad. Unfortunately, he along with eight of his family members are visually impaired. Their dreams of living a life with dignity have remained unrealizable due to the lack of support mechanisms for citizens with special needs. To make both ends meet has always been extremely challenging for Mr. Bakhsh. Pakistan's Bait-ul-Mal is mandated and obliged to support such families. It has various

programs including the Individual Financial Assistance Program which is meant to assist families such as Mr. Khuda Bakhsh's. Mr. Khuda Bakhsh, after trying through various middle men, stated with despair "Har Kinh Ba Kooro Asro Dino" (everyone continues to make false promises). Recently, a local organization connected Mr. Khuda Bakhsh with the Legal Aid Society team based in Hyderabad which assisted him with filing a case before the office of the Federal Ombudsperson. During the hearing of the case, legal adviser to the Federal Ombudsperson Mr. Ayaz Hussain issued instructions to the Director of Pakistan Bait-ul-Mal Hyderabad to provide financial assistance to Khuda Bakhsh and his family. The LAS team continues to work and support Mr. Baksh with the issuance of CNICs for some of his family members and with the opening of bank accounts to ensure the directives are implemented.



## PARTNERSHIP WITH SINDH HUMAN RIGHTS COMMISSION

Legal Aid Society signed an MoU with the Sindh Human Rights Commission (SHRC) on 27<sup>th</sup> August, 2019. The MoU aims to strengthen the work of the Sindh Legal Advisory Call Centre (SLACC) and spread its awareness amongst the citizens of Sindh while being able to refer callers to the SHRC and its work when intervention related to human rights is needed. Ms Abida Lodhi, Secretary SHRC and Justice Nasir Aslam Zahid, Chairperson LAS signed the MOU in Karachi. Justice Majida Razvi (Chairperson SHRC), Mr Muhammad Aslam Sheikh (Member

Judicial-II) and Mr Zulfiqar Shah (Member SHRC) and Justice Arif Hussain Khilji (Chief Legal Adviser LAS), Mr Jamil Junejo (Manager, Community Engagement, LAS), Ms Maleeha Azhar (Program & M&E Manager LAS) and Ms Naima Qamar (Senior Research Associate LAS) were present on the occasion.





# CROSS - INSTITUTIONAL LEARNING ON SEXUAL VIOLENCE CASES

## MEETINGS AMONG THE WOMEN COMMISSIONS

A meeting among the women commissions was organized by the Women Development Department, Government of Sindh, Sindh Commission on the Status of Women and the Legal Aid Society on 30th July, 2019 in Karachi. The meeting was attended by Ms. Riffat Sardar, Chairperson, Khyber Pakhtunkhwa Commission on the Status of Women, Ms. Fauzia Viqar, Former Chairperson, Punjab Commission on the Status of Women, Ms. Nuzhat Shirin, Chairperson, Sindh Commission on the Status of Women (SCSW) and Ms. Khawar Mumtaz, Chairperson, National Commission on the Status of Women, Ms. Raheema Panhwar, Member SCSW, Haya Emaan Zahid, Executive Director, Legal Aid Society, Advocate Maliha Zia, Associate Director of the Legal Aid Society and others.

Maliha Zia Lari narrated the purpose of the meeting was to share and discuss the experiences and learning of sexual violence case handling and prevention from the KP Commission, Punjab Commission, Sindh Commission and National Commission of Pakistan. The meeting was being convened to facilitate learnings and best practices especially from the National Commission on the Status of Women which was established in July 2000 in relation to the KP, Punjab and Sindh Commissions which were notified respectively in 2011, 2014 and 2017.

Fauzia Viqar said that according to HRCP, between 2004 and 2017, 6,179 incidents of sexual violence were reported in the media. On average, 12 women are raped in Pakistan every day. 1,515 cases of rape and gang rape were reported in the media in 2015. Nuzhat Shirin said that SCSW has reviewed the following laws: Domestic Violence (Prevention and Protection) Act 2013, Harassment at Workplace Bill, Dowry and Bridal Gift Bill, Sindh Acid Control and Acid Crime Prevention Bill, Sindh Homebased Workers Act 2018, Sindh Protection of the Child (Law Revision)



Bill 2019 and is providing recommendations to the government. With regard to sexual violence she said that there is a loose mechanism to register First Information Report in Police Stations. She also noted that Investigation Officers and Head Moharrars need to be more gender-sensitized and need awareness in pro-women legislation. She also recommended that the environment in Police Stations needs to be more women friendly. Riffat Sardar said that a vast majority of cases brought to the Khyber Medical Hospital KP are of children under 18 years of age according to official

figures of 2016-2018. She further said that according to 'Violence against Women Report in Pakistan: A Qualitative Review Of Reported Incidents January - December 2014' by Aurat Foundation, 589 FIRs were registered for the total 736 cases reported from the province, making 80.01% FIRs registration rate in the province. She recommended that judicial staff, police staff, medico-legal staff etc. must also be trained on satisfactory and sensitive response and handling of sexual violence cases to ensure a survivor-centred approach.



JAMIL JUNEJO



# DIALOGUE ON STATE RESPONSE TO SEXUAL VIOLENCE IN SINDH

JAMIL JUNEJO

The Women Development Department, Government of Sindh and Legal Aid Society jointly organized a dialogue on "State Response to Sexual Violence in Sindh" in a hotel in Karachi on 30th July, 2019 in Karachi. Maliha Zia Lari, Associate Director at the Legal Aid Society gave an overview of legal framework governing sexual violence with a special focus on rape in Pakistan. She also provided the background of the development of Sexual Violence Response framework (SVRF). Syeda Shehla Raza, Minister for Women Development presented the framework that was developed by Women Development Department, with the technical support of Legal Aid Society for discussion in the dialogue. The framework's objective is to provide a detailed breakdown of actions and interventions necessary for successful implementation of recent legislation and judgments. Secondly, it expands the scope of work of government functionaries beyond the law to initiate primary and tertiary prevention and response measures to work towards the ultimate goal of elimination of violence against women, particularly sexual violence. Justice Nasir Aslam Zahid Chairperson, Legal Aid Society appreciated efforts in organizing the event and hoped that all relevant departments would come together to coordinate their approaches in ensuring the legal framework was operationalized. He added the serious nature of sexual violence and rape cases necessitate more coordinated efforts by the institutions of criminal justice system, in addition to developing mechanisms to operationalize these new amendments so as to better respond to the cases and provide speedy justice to the survivors and their families. Ms. Khawar Mumtaz, Chairperson, National Commission on the Status of Women emphasized the significance of data on violence against women. She added that unless data is collected and evidence-based research and policy framework is developed, the efforts taken in the area of combating violence against women could not generate desired results. Ms. Riffat Sardar discussed the KPSCSW Media Monitoring Report conducted in December 2018 and stated the lack of reporting is evident because the numbers available remain scanty. She discussed a few case studies of children under 10



years of age. While speaking on the importance of data collection on violence against women and sexual violence, Ms. Fauzia Viqar, Former Chairperson, Punjab Commission on the Status of Women recommended trainings of relevant government officials on data collection and maintenance, digitize data collection processes, and introduce data collection SOPs in all departments. She said the challenge she faced was the significant number of women affected by violence who were unwilling to report the crime. Ms. Nuzhat Shirin, Chairperson, Sindh Commission on the Status of Women noted that separate special arrangements for transgender individuals are not made in any shelter home in Sindh and recommended creating separate spaces for transgender individuals in the shelters homes. While speaking on DNA Evidence in Sexual Violence Cases, Dr. Summaiya

Syed Tariq, Additional Police Surgeon, Police Surgeon Office, Karachi, the DNA test is now mandatory according to the law and it contributes significantly in building evidence in rape cases. However, she recommended that capacity-building programs on DNA and Forensic Evidence for the police and medico-legal officers should be launched. Mr. Muhamamd Anwar Mahar, Deputy District Prosecutor General, Government of Sindh spoke on Video link and Alternatives to Traditional Methods of Witness Examination. Mr. Javed Akbar Riaz, PSP DIGP Crime Branch (Investigation) Sindh spoke on Investigation into Sexual Violence Cases: Issues and Way forward. Mr. Riaz also said a number of issues existed with regards to investigation such as low conviction, rate, paucity of resources, lack of coordination and external interferences.







## LEGAL EMPOWERMENT HELP DESK

LAS conducted an Information Session on its Legal Empowerment Help Desk and the Role of Police under the Juvenile Justice System Act, 2018 and the Legal Framework of Sexual Violence with DSPs, SHOs, IOs, and staff in charge of Women Desks of District East – Karachi on 17<sup>th</sup> July, 2019. The session was designed to inform police officials and other stakeholders of the model of the Legal Empowerment Help Desk which provides free legal advice and information to juveniles, referral services and mediation services.

## 3<sup>RD</sup> INTERNATIONAL HUMANITARIAN LAW COURSE FOR POLICY MAKERS

LAS in collaboration with International Committee of the Red Cross (ICRC) conducted the 3rd International Humanitarian Law Course for Policy Makers from 16<sup>th</sup> to 17<sup>th</sup> July, 2019 at Pakistan Society for Training and Development, Karachi. The program is meant to help policymakers develop an advanced understanding of IHL and its relevance for policymaking in order to minimise human suffering. The introductory course covers relevant information on what IHL is, the provisions of the law during conflict, its advantages and the debates that arise from

non-compliance. Ms. Hira Saleem and Ms. Jawziya Zaman attended the course from LAS.



The SLACC helpline has assisted over **30,000** citizens this year and continues to provide quality-assured legal advice to callers across Pakistan under the leadership and supervision of Justice Nasir Aslam Zahid and Justice Arif Hussain Khilji, both former judges of the Supreme Court.

## RESEARCH COLLABORATION WITH CERP

The Centre for Economic Research in Pakistan's (CERP) team, led by co-founder Dr. Asim Khwaja

visited the Sindh Legal Advisory Call Centre on 20<sup>th</sup> August, 2019. LAS and CERP are collaborating to work on research that assesses key governance indicators from a citizen's perspective of state legitimacy.





# JUDICIAL TRAINING ON HUMAN RIGHTS, GENDER AND LAW

Hardly any woman has benefitted from the passage of the Domestic Violence Prevention and Protection Act of Sindh of 2013 which remains underutilised for a number of reasons such as a lack of awareness amongst both the public and duty-bearers such as the police and judiciary.

It is essential to revisit and revise similar legislative revolutions with judges in a routine manner to ensure effective protection and promotion of rights for vulnerable citizens. In order to promote improved understanding of both national and international human rights laws and protection mechanisms, a 3-day training on Human Rights, Gender and Law was organised by the Legal Aid Society in collaboration with the Ministry of Human Rights, Sindh Judicial Academy and the European Union. The training was attended by 30 members of the district judiciary from across Sindh (15 Senior Civil Judges and 15 Additional and District Judges) and was conducted using interactive training techniques from 20<sup>th</sup> to 22<sup>nd</sup> September, 2019 in Karachi. The first day of the training concluded with Barrister Ravi Pinjani's session on how to use National and International Human Rights provisions in Pakistan. The second day of training began with a session on understanding gender and violence in the life cycle. The aim of the session was to introduce key concepts such as sex-gender definitions, the gendered role of men, women and transgender individuals in society. The last three sessions were conducted by Advocate Asiya Munir and Ms. Maliha Zia on laws relating to domestic violence, child marriage and rape. Differences between choice marriages, consent marriages, forced and arranged marriages were discussed at length.



The last day of the training was conducted by experts from the Sindh Judicial Academy including Justice Arif Khilji. The session further focused on understanding the language of juridical precedents and interpretation through a human rights perspective. Ms. Ingeborg Zorn, First Secretary, Rule of Law and Human Rights, European Union was the special guest on the first and the second day of the training.

**Hira Saleem**



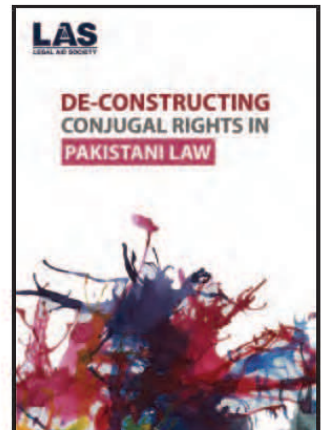


## RESEARCH DESK: ANALYSING RESTITUTION OF CONJUGAL RIGHTS IN THE CURRENT CONTEXT

NAIMA QAMAR

The Restitution of Conjugal Rights (RCR) refers to a legal provision in the personal laws of Pakistan that is invoked as an attempt to unify couples in troubled marriages. The RCR provision was introduced in the personal laws of the legal system of the sub-continent by the British and has since then been indigenised in Muslim, Hindu, Christian and Parsi personal laws. The provision is invoked when one spouse leaves the marital home and the other legally demands the return of the other spouse to the marital home to perform their marital duty. LAS has analysed 789 calls received at the Sindh Legal Advisory Call Centre that related to RCRs. Interestingly 71% of these calls (564 callers) were made by males who were inquiring for themselves or on behalf of their families as to the potential use of RCR. Only 29% of callers were female (225 callers). Women were concerned about their legal rights in RCR and in separation from the husband; how to get their economic rights of dower and maintenance; or how to reconcile with their husbands who may have abandoned them. LAS has conducted research to assess the scope of misapplication and misuse of RCR in Pakistan in terms of its use as a delaying tactic in criminal trials

or as a means of shielding husbands from economic obligations towards their wives such as maintenance which is not awarded when there is a decree for RCR. LAS has analyzed 233 reported case judgements of the superior courts in which only 1 was filed by a female. This demonstrates that women are the primary respondents in cases of RCR. RCR was granted in only 12.8% of the cases (30 cases); it was denied in 56.6% of the cases (132 cases); undecided due to transfer to other courts or due to Khula or dissolution of marriage in 29.6% of the cases (69 cases); and 1% of the cases (2 cases) were filed and answered before the Federal Shariat Court on points of law. Courts have made denunciatory remarks in some cases and have also recommended divorce if the spouse is not willing to return home even when conditions are met. LAS's findings call for an abolition of the RCR on the basis of its manipulative nature and its misuse in the majority of cases. The research will be launched in the Law Department of the Government of Sindh in the next quarter.



## Literacy Program for Juvenile Prison Karachi

Legal Aid Society in collaboration with Society for Advancement, Health, Education and Environment (SAHEE) and the Sindh Prisons Department has been providing legal and basic literacy classes to juveniles in Karachi since 2017. The teaching is designed in a way to ensure that the youth are able to read and write basic Urdu and leave prison with a working understanding of justice, law and order, and good citizenship. 640 juveniles have enrolled and benefited from the program so far. In this quarter, more than 45 juveniles attended the literacy classes.





# 8TH ASIA PRO BONO CONFERENCE

## JUSTICE FOR ALL: EMPOWER-ENGAGE-SUSTAIN

MALEEHA AZHAR

The Asia Pro Bono Conference (APBC) is held annually with the objective of bringing together people who are working to strengthen access to justice across Asia. The APBC brings together a wide array of stakeholders such as lawyers, judges, civil society, policy makers, pro bono professionals and law students. It provides an inclusive platform to attendees to engage and present their work and empower each other to contribute towards strengthening an Asia Pro Bono movement. This year marked the 8th APBC which was designed as a 3-day conference in Kathmandu, Nepal from 13<sup>th</sup> to 15<sup>th</sup> September 2019. The conference was attended by 610 participants from more than 25 countries.

Legal Aid Society presented its work on Juvenile Justice and the unique value of Pro Bono and ADR. Both of these sessions took place on the 15<sup>th</sup> of September.

LAS presented its work with juveniles alongside Human Rights and Legal Aid Service (HRLS) from Bangladesh and The Shopfront Youth Legal Center from Australia under the crosscutting theme Engage – Juvenile Justice and Pro Bono. Mr. Shehriar Sadat, Program Head of HRLS and Ms. Jane Sanders, Principal Solicitor shared the panel with Ms. Maleeha Azhar, Program Manager LAS and Ms. Jawziya Zaman, Legal Counsel LAS. A profiling of juveniles in Sindh Prisons was shared with the audience. The focus of the session was towards the "Legal Empowerment Help Desk (LED)" which has been piloted in one police station of Karachi to provide legal advice and information to juveniles at their first point of contact with the state. The session was very interactive with interest coming forward in terms of audience members assessing whether a model such as the LED could effectively be replicated in their jurisdictions.



LAS also presented its work on ADR during a parallel running session. Mr. Jamil Junejo, Community Engagement Manager, Ms. Sumreen Ali, Field Advocate and Mr. Zahid Ali Messo, Field Officer from LAS shared the panel with co-presenters Kritagya Shah (Program Coordinator HIDR, Advocate from Nepal) and Linda Al Kalash (Tamkeen Fields for Aid from Jordan). LAS presented its work through a role play to narrate the impact and potential of utilizing formerly underutilized dispute resolution forums such as the office of the Ombudsperson. Kritagya's presentation raised important issues of the need for gender mainstreaming within ADR. ADR Committees should have more women representation. LAS also showcased its community engagement work by sharing a video documentary.

The conference provided a great opportunity for showcasing grassroots work on an international forum and for building opportunities for regional collaborations especially between SAARC countries.



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

**PHONE:**  
+92-21-99266011-4  
Fax: +9221-99266015  
SLACC: 0800-70806

**EMAIL:**  
info@las.org.pk  
las@pk13@hotmail.com

**WEBSITE:**  
www.las.org.pk  
www.lao.org.pk

**FACEBOOK:**  
@LegalAidSocietyPakistan  
@LegalAidOfficePakistan

**LAS**  
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آپ کے ہر قانونی مسئلے میں رہنمائی صرف ایک فون کال کی دوری پر، فون اٹھائیے، اور نمبر ملائیے

**0800-70806**

اور سندھ لیگل ایڈوائزری کال سینٹر سے مفت قانونی مشورہ حاصل کریں۔

ہمارے 08 ہائی کورٹ سے رجسٹرڈ ماہر وکیل، آپ کی کال کے منتظر، اور آپ کی خدمت میں موجود ہیں صبح 9 بجے سے شام 5 بجے تک۔

اب تک سندھ لیگل ایڈوائزری کال سینٹر کو پاکستان کے 450 گاؤں، دیہاتوں، اور شہروں سے 30,000 سے زائد کالز پچھلے ایک سال میں موصول ہو چکی ہیں۔

**0800-70806**

محکمہ قانون حکومت سندھ اور لیگل ایڈوائزری کی مشترکہ کاوش ہے۔  
ٹیلی فنی ہیڈ لائن سے مفت، اور میڈیا فون سے کال کرتے پر رہنمائی فراہم کی جائے گی۔