

NEWSLETTER

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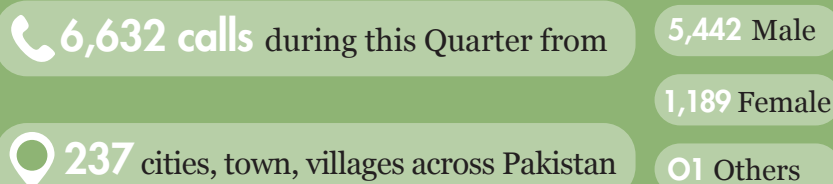


HIGHLIGHTS FROM THIS QUARTER

“Sindh Legal Advisory Call Center (SLACC) hits the figure of 100,000 registered queries this quarter”

SLACC operations were launched on **22nd September, 2014** with the support of the British High Commission under the EDACE project. The call centre started working in partnership with the Law Department of the Government of Sindh from 1st July 2018 onwards and serves callers from across the country through its toll free number **0800-70806** serviced by high court enrolled and specially trained lawyers. Justice Arif Husain Khilji, former Judge of the Supreme Court of Pakistan, oversees the operations and legal advisory services.

Sindh Legal Advisory Call Center has received and responded to:



Dr Mansoor Abbas Rizvi – Secretary Law and Parliamentary Affairs, visited the Sindh Legal Advisory Centre on March 14, 2020 and appreciated the dedication and efforts of the legal advisors. He met with Justice Arif Hussain Khilji, Chief Legal Advisor, Ms Maleeha Azhar, Senior Program Manager and Ms Naima Qamar, Senior Research Associate at the LAS and was briefed about the work that is being done for the legally empowerment of people in partnership with the Sindh Government. Dr. Rizvi took a tour of the call centre where he observed legal advisors giving advice to callers and appreciated the work of SLACC and expressed his support.

EDITORIAL

JUSTICE NASIR ASLAM ZAHID CHAIRPERSON - LAS



The Government of Sindh was the first provincial government in Pakistan to take decisive precautionary measures to curb the spread of the Corona Virus through imposition of a lockdown on 23rd March, 2020. As the crisis continues to unravel before us; in the lead up to the much anticipated 'peak' and subsequent 'flattening' of the virus; mainstream media and policy makers alike present us with a gender-neutral perspective on the pandemic. The World Health Organization estimates one in three women globally have experienced physical or sexual violence by an intimate partner or other perpetrator in their lifetimes. It is apparent that sexual and gender based violence spikes in situations of lock downs and curfews under health emergencies; as has been evidenced by past experiences of the Ebola and Zika Viruses in Africa. Despite data gaps, it is natural to presume domestic violence increases with the surmounting financial pressures engulfing households in Pakistan along with the added restrictions placed on mobility of both perpetrators and survivors /victims. It is also expected that reporting of such violence will dip in the short run due to the lack of access to essential services that women and children require. Essential and response services have been reduced to a dwindling fraction of what they were prior to the crisis. The Women Development and Social Welfare Departments in Sindh along with the offices of the Sindh Commission on the Status of Women have been closed for public dealings since the beginning of the lockdown. This makes the case stronger than before for adapting to the circumstances through use of online /mobile technologies to respond to the needs of survivors and victims of sexual and gender based violence.

As a first step , there is a need for more nuanced sex-disaggregated data to surface for a better understanding of the gendered impacts of the virus in Pakistan. The work of the Sindh Legal Advisory Call Centre (SLACC) presents a unique opportunity to collect data from across Pakistan in order to understand gender-based inequality and associated trends in crimes.

Since 2018, the Law Department of the Government of Sindh has partnered with the Legal Aid Society to spearhead the twenty-four hour, toll-free helpline (0800-70806) manned by High Court enrolled lawyers to respond to legal queries received from across Pakistan.

Analysing the data from the calls being received by the SLACC allows for an understanding of how essential services are affected and what the short-term and long-term needs of women and children are in times of this pandemic. During the two week period from 14th to 25th April, 2020, the SLACC responded to 600 calls. 124 callers (20.6%) were female. 9 of the calls received during the two week period related to domestic violence. A 14-year old boy complained a man was beating his wife due to which his wife and children were disturbed ; it is possible he may have been discussing what he was witnessing at home. Other calls related to parents or siblings of women complaining that their daughters and sisters were being beaten by their husbands. A male caller stated that his sister was beaten and forced out of her marital home. A female caller stated her brother wanted to evict her from her deceased father's home where they both lived and the police was not taking her issue seriously. Similarly a caller stated she was beaten by her former in-laws but the police refused to register an FIR until she produced a medico-legal report which she was finding hard to obtain due to COVID-19. 19 calls related to maintenance issues which were also raised by female callers suffering intensified financial difficulties in times of the lock down.

In addition to identifying and categorizing gender related issues, more general COVID-related exacerbations are also being analysed. 90 calls were received on the eligibility and accessibility of the Ehsaas Programme. A further 30 inquired specifically about the provision and availability of rations and 5 raised questions about termination of employment and non-payment of wages. LAS will continue to analyse the frequency and nature of such events as it develops a more comprehensive analysis on the needs of justice seekers and the capacity of existing services to respond to them.

COVID-19 has to be used as an opportunity to implement and advocate for much needed law and policy reforms that can push service delivery into a new era leveraging technology and creative pathways of communication beyond traditional workshops and seminars. There is an immediate need for sex-disaggregated data covering rates of infection, differential economic impacts, differential domestic burdens and incidences of domestic violence and sexual abuse. Although COVID-19 is indiscriminate, if data gaps are not filled, and gender expertise and gender budgeting are not mainstreamed into state responses in the short-term, the long-term negative impact on gender equality is likely to be far more difficult to address.

PROVISION OF LEGAL ASSISTANCE

LAS has provided free legal assistance to 50 community members during this quarter and has filed their cases before concerned courts in matters relating to dissolution of marriages, maintenance claims, guardian and ward applications and NADRA issue, etc.



MAPPING ESSENTIAL SERVICES

LAS, in collaboration with the Oxford Committee for Famine Relief, Sindh Commission on the Status of Women and the Punjab Women Protection Authority and LUMS has mapped essential service providers in Punjab and Sindh for development of referral directories for survivors and victims of sexual violence. LAS signed an MOU with Shaikh Ahmad Hassan School of Law, Lahore University of Management Sciences (SAHSOL – LUMS) on February 11, 2020 to engage resources from the Gender Advocacy Clinic, at SAHSOL – LUMS for mapping and data collection in selected districts of Punjab with a view to developing a resource directory for survivors of gender based violence.



For the development of referral directories, LAS conducted a consultation session on 13th February, 2020 which was attended by members of civil society, Chairperson of the Sindh Commission on Status of Women Ms. Nuzhat Shirin and Chairperson of the Punjab Women Protection Authority Ms. Kaneez Fatima. The districts selected for the exercise included Dadu, Hyderabad, Matiari, Shaheed Benazirabad, Kamber Shahdadkot and Umerkot in Sindh and Faisalabad, Gujrat, Kasur, Lahore, Rawalpindi and Sialokot in Punjab.





RADIO CAMPAIGN

LAS participated in two radio shows on FM 101 from the Hyderabad Station on 9th March 2020 and 18th March 2020. Advocate Sumreen Ali and Mr Zahid Ali Messo from the Hyderabad office of LAS conducted these shows where they discussed inheritance rights as well as shared some success stories of callers related to their CNIC and their electricity bill which had been resolved with the advice of the SLACC helpline.

LITERACY INITIATIVES FOR JUVENILES

LAS signed an MOU with Sindh Prisons Department and SAHEE to continue the Basic and Legal Literacy Classes in the Juvenile Prison Karachi on February 03, 2020 expanding services to Hyderabad. Legal Literacy Classes in the YOIS in Karachi and Hyderabad started on February 08, 2020. The purpose of these classes is to empower the juveniles through basic knowledge of law provided through a 16 – hour course covering Introduction to Law, Fundamental Rights, Criminal Law, Criminal Law Procedure, Rights of Police, Juvenile Justice Act 2018, Probation, and Parole, Prison Rules, Inheritance and Family Law through interactive teaching methodology.



LAS Team along with SAHEE and DIG Prisons Sindh met with Mr. Ahsan Ali Mangi - Secretary Education and Literacy Department and Ms. Fouzia Khan - Chief Advisor Curriculum Wing on 21st January, 2020 to discuss initiatives for mainstreaming the Juvenile Literacy Program successfully running in Youthful Offenders Industrial School (YOIS) Karachi so that once released juveniles would be able to continue with their education.

PARTNERING WITH SINDH POLICE ON SGBV RESPONSES

LAS signed an MOU with the Sindh Police to develop the capacity of the Sindh police in responding to cases of rape, sodomy and other forms of sexual violence. LAS will work on conducting and publishing a diagnostic study of rape cases with a focus on gaps in police investigation and creation of a strong prosecution case which contribute to the low conviction rate of such cases. LAS will also work on building capacity for newly appointed Inspector Legal and Inspector Investigation on responding to rape, sodomy and sexual violence cases.



CAPACITY BUILDING ON CRIMINAL LAWS

A capacity building session on Criminal Law was conducted for LAS lawyers with Barrister Jaffar Raza and Advocate Bassam Dahri from Siddiqui & Raza, an enterprising law firm based in Karachi. They delivered a lecture on criminal law for the lawyers 30th January, 2020 which covered criminal amendments passed by the National Assembly between 2015 to 2019 as well as Sindh's criminal law amendment relating to DNA testing in sexual assault cases. Barrister Jaffar Raza discussed aspects of the Qanun-e-Shahadat and explained the criminal trial process with practical examples. The SLACC legal advisers learnt a lot from the training and were able to discuss recent legal queries that callers had inquired about.

LEGAL EMPOWERMENT HELP DESKS IN KARACHI POLICE STATIONS

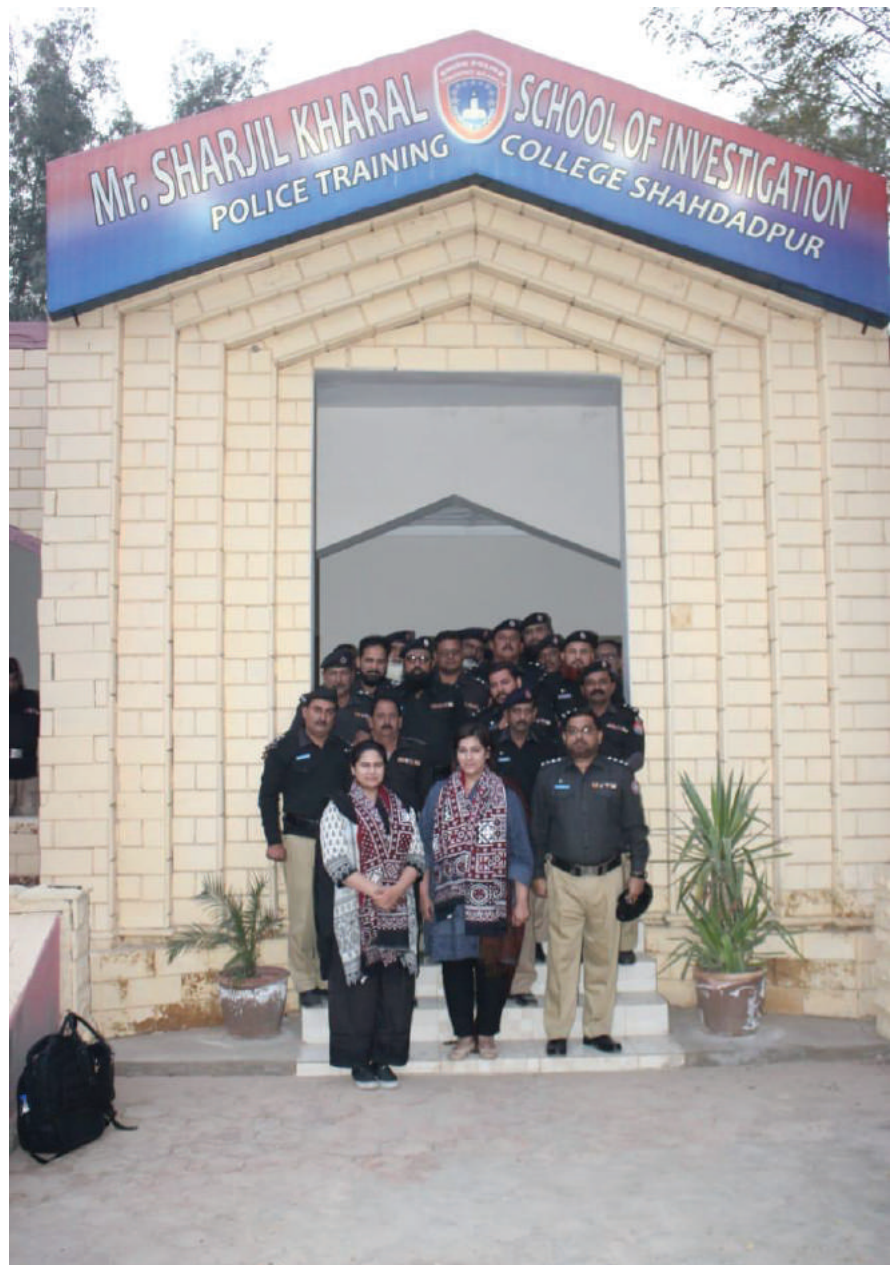
In 2019, LAS piloted the Legal Empowerment Help Desk (LED) in the New Town Police Station with the aim of providing legal assistance, advice and guidance to juveniles who are in conflict with the law. LAS in collaboration with Sindh Police and Foundation Open Society Institute – Pakistan has established more LEDs at Korangi Police Station, Baldia Police Station and Chakiwara/Kalakot Police Station in Karachi. These LEDs are serviced with experienced High Court lawyers who are available to assist the public through these police stations.

TRAINING NEEDS ASSESSMENT FOR SINDH POLICE

On 13th November 2019, LAS and the Sindh Police signed a Memorandum of Understanding at Central Police Office for the purpose of conducting a training needs assessment (TNA) of the Sindh Police with the support of the International Committee on the Red Cross. The project has commenced work on ensuring that the training of the police is efficient, needs-based, diligently monitored, managed and goal-oriented.

Training has become a priority for the Sindh Police given the recent additions to the police curriculum. The curriculum was revised and updated in 2011. Books have also been designed and developed specifically for police training which includes books on Human Rights, Investigation and Community Policing. These books are now core reading material for training. The mode and manner of training has also been updated as there are now new schools which form part of certain police training institutes including the School of Investigation, School of Intelligence and School of Public Disorder Management. As per the draft of the Annual Policing Plan 2019-2020, there are plans to establish schools of Motor Transport, Telecommunication and Security. The policing plan also states that for capacity building it will modernise the training paradigm through conducting a training need analysis.

The team comprising of Maliha Zia, Hira Saleem and Andalib Aziz, have conducted focus group discussions and interviews with several police officers of various ranks and posts, trainers and trainees at different police training institutes and members of civil society organisations, medico legal professionals and prosecutors in Karachi, Hyderabad and Larkana.





POLICE STATION POSTERS

In this quarter, the SLACC deployed publicity posters across police stations in Sindh. In Karachi, 12 in District West, 4 in District South A, 12 in District East, 17 in District Central have been completed and 3 police stations in District Malir district. While in Sindh, posters have been deployed in Hyderabad in 31 police stations and in Dadu in 52 police stations.

THE SLOW PATH TO JUSTICE FOR CHILD VICTIMS OF SEXUAL ABUSE

A 14 year boy came home after school one day appearing to be visibly depressed . Over the course of the next day his behavior became erratic and abnormal leading his father to become more concerned. After continuous probing by the worried father, the boy confided that their neighbor had offered to give him a ride back to his house on his motorbike but instead of dropping him home he took him to a secluded area near Shah Hassan Mazar in Landhi and subjected him to sodomy . The perpetrator then threatened the boy of dire consequences if he were to inform anyone. The heinous incident took place on the 27th of April in 2019. The father immediately approached LAS for legal assistance and an FIR was lodged on 30th April, 2019. A final order was passed in this case on 18th of March , 2020- a year after the incident- with the family of the victim and the LAS struggling against a slumbering system hindered with delays at every juncture of the pre-trial and trial processes.

Initially , the survivor and his father approached the concerned SSP -Investigation to raise concerns on the non-cooperative and hostile attitude of the Investigation Officer (I.O). After substantial delays in the investigation process and no visible change in the attitude of the I.O, a complaint was lodged with the concerned DIG Police. The I.O was eventually transferred and the case was shifted from one police station to another however jurisdictional issues arose which further delayed the commencement of the trial . All the while the case continued to be adjourned and the victim and his father faced insurmountable challenges and pressures from all corners to avoid proceeding with the case . The jurisdictional disputes continued and resulted in months of delays in the filing of the challan. Eventually the court issued a letter to the SSP Investigation to sort out the issues urgently and a final 15 day extension was granted for completion of the investigation process. The concerned court then fell vacant and further delays ensued. When the police was ready to arrest the accused , they could not locate him despite calling in his father for questioning. Another month passed away with the I.O seeking one extension after another from the court. The LAS lawyer continued to liaise with the District Public Prosecutor to discuss the case history and hurdles faced by the client. Eventually an order was passed to block the CNIC of the accused however, the accused was able to obtain pre-arrest bail . The DNA report was delayed by 4 months due to issues over the processing of

fees. The LAS lawyer was later informed that the delays were due to a shortage of funds that were made available to the investigation wing of the police. A medico-legal report was conducted on the 30th of April, 2019 which came out negative however, the chemical report produced much later on was positive despite being received after substantial delay and rigorous follow ups by the LAS lawyer. The I.O produced the chemical examination report which showed a positive result only after a show cause notice was served to him by the court. After this report the Magistrate treated the interim challan as a final challan. The trial finally commenced in September of 2019- 5 months after the registration of the FIR. This is the kind of delay that victims and survivors of sexual violence face on a day to day basis when they decide to pursue legal actions against perpetrators.

Once the trial commenced the accused pleaded not guilty. The LAS lawyer assisted the victim and his family throughout the turbulent and frustrating process; counselling them to not give up hope. Once the evidence stage commenced, the lawyer for the accused continued to seek adjournments on one pretext or another. The case was transferred to the Model Criminal Trial Court (MCTC)/JM-2. Case no. is 200/2019. The MLO and the police witnesses were examined and an inquiry against the negligent Police Officials was also completed on the directions of the DIG Police- East.

The final order was delivered in the case on 18th March 2020 and the accused was sentenced for imprisonment of two years with a fine of ten thousand rupees however this process took a period of 7 months from the filing of the final challan which took 5 months adding to a delay of a years time for the victim to obtain justice. The country has witnessed an alarming rise in the number of sexual crimes being committed against children in the last decade. However, reported number of cases do not provide a true indication of the position as on account of delays such as those shown in this case study, numerous victims and survivors of sexual violence fall off the grid and give up on pursuing justice.

**CALL FOR FREE
LEGAL ADVICE**

0800-70806

24/7 Helpline 0800 70806

SLACC
Sindh Legal Advisory Call Center



Law, Parliamentary Affairs
& Criminal Prosecution Department
Government of Sindh

In Partnership with Law, Parliamentary Affairs & Criminal Prosecution Department Government of Sindh

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