

LAS

LEGAL AID SOCIETY

RESHAPING SOLUTIONS FOR
ACCESSING JUSTICE IN PAKISTAN



NEWSLETTER

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19th Edition

EDITORIAL SECTION: from the desk of **Ali Ahmed Baloch** (Secretary, Law, Parliamentary Affairs & Criminal Prosecution Service Department, GoS)



I am thankful for being a part of the distinguished study tour on ADR (Alternative Dispute Resolution) mechanisms in Istanbul & Ankara, Turkey on May 22-28, 2022 which was organized by the Legal Aid Society. The experience provided me with the opportunity to share experiences, and learn how the ADR laws and mechanisms are devised and implemented in various provinces of the Republic of Turkey.

The working definition of ADR is used to describe several different modes of resolving legal disputes. It is practiced by the business world as well as by the common man as it is impractical for many individuals to file lawsuits and get timely justice through a formal justice system.

In my opinion, the concept of ADR is not novel. It has a great heritage and has been existing in various forms in different countries since civil procedure came into existence in 1858, however, its statutory form came to us in 1908. For centuries, societies have been developing informal and non-adversarial processes for resolving disputes. In fact, archaeologists have discovered evidence of the use of ADR processes thousands of years ago in the ancient civilization of various countries (such as Egypt, Mesopotamia, and Assyria) accruing in the shape of mediation and conciliation. It can be argued that many of the modern methods of ADR are merely a return to earlier ways of dealing with such disputes in traditional societies.

Similarly, there are many examples of dispute resolution processes that have been developed in traditional societies such as the Panchayat, Jirga, and Faisla, which are the most popular in the Indo-Pak region for centuries as traditional methods of dispute resolution. However, while promoting access to justice, a modern civil justice system can offer a variety of approaches and options to dispute resolution. The adjudication of disputes through the court process and well-developed

adversarial litigation system is already organized all over the world for its highly important features.

It is truly said that justice delayed is justice denied. Since judiciaries all over the world have a common set of roles and responsibilities, their issues of concern in this context are also similar, therefore, there had been a global effort to eradicate the challenges of delayed justice and to ensure speedy relief to the litigants. In such a situation the ADR mechanism is a ray of hope that aims to provide an effective, responsive, and appropriate method of resolving disputes.

Today, a large number of countries are benefitting from the ADR mechanisms for resolving their disputes. In an era of dizzying economic and technological advancements, we should not only put light on the institutionalization, streaming, and assessment of ADR mechanisms but also educate the people to adopt ADR ways, if they cannot anticipate in formal court procedures to address disputes.



DECONGESTING COURT DOCKETS by institutionalizing Alternate Dispute Resolution:

The slow speed of litigation is a huge problem in the justice system in Pakistan. There is a colossal backlog of cases in both superior and subordinate courts. Many cases linger on for generations which results in them adding to the burden of the incoming high volume of cases. Some cases even remain unresolved for decades and are yet to result in some conclusive ruling. In such a situation an effectively placed ADR mechanism can help to avoid multiplicity of litigation, save valuable time, and money and permit parties to amicably come to a settlement, which would be formally documented, and be the result of voluntary acts by the parties for peaceful resolution of problems.



Studying for the development and structuring of an INTERNATIONAL IMPLEMENTATION FRAMEWORK

Due to the heavy workload of Turkish courts and lengthy adjudication process, the use of alternative dispute resolution mechanisms has increased among Turkish individuals and legal entities facing disputes since the last 10 years. The tabling and adoption of the Law on Mediation in 2012 was a milestone for improving the Turkish legal system and successfully raised awareness of mediation. The law made mediation mandatory for certain categories of civil cases and established a regulatory framework for the training, and induction utilization of mediators through the Ministry of Justice, whereas high mediation settlement rates demonstrate that the public is highly interested in resolving disputes creatively, economically, promptly, and amicably.

Intending to identify the most effective public policies, legislation, and regulatory and procedural frameworks for institutionalizing and promoting ADR, the Legal Aid Society partnered with the international rule-of-law expert and one of the pioneers of ADR in Türkiye, Asiyan Süleymanoglu, CEO of Akina Consulting, to design a Study Tour for policy-makers, senior members of Pakistan's Judiciary and representative of key government institutions in Pakistan vital for the success of ADR in

Pakistan.

A study tour was organized by LAS on May 23-28, 2022, that aimed to examine the Turkish pro-ADR legislative developments, regulatory framework and operations of mediation centers, the regulations on the functioning of private mediators, and methods that the government and private stakeholders involved in institutionalizing ADR have undertaken to ensure sustained demand and unopposed supply of ADR services. The Study tour consisted of on-site meetings and visits to mediation centers and law firms in Istanbul and cardinal government and judicial institutions in Ankara.



ENHANCING CAPACITY OF JUDICIAL OFFICERS ON ADR: Partnering with the Federal Judicial Academy

To ensure the equal distribution of justice among the rich and poor, our justice system needs to decongest its burden of pending cases by referring the cases toward ADR; in which sensitization and building the capacity of judges are important. It was in this regard that an MOU was signed in Islamabad on May 13, 2022, between the Legal Aid Society and the Federal Judicial Academy.

The key purpose of this partnership would be to render capacity-building trainings on ADR laws, its techniques, and procedures of court-annexed mediation to 60 senior civil judges across Pakistan. This initiative will eventually augment the functioning of ADR authorities, enabling them to resolve the cases through arbitration and mediation rather than litigation, while keeping clasp advocacy within the legal fraternity for ADR in coming years.

DECREASING THE BURDEN ON COURTS:

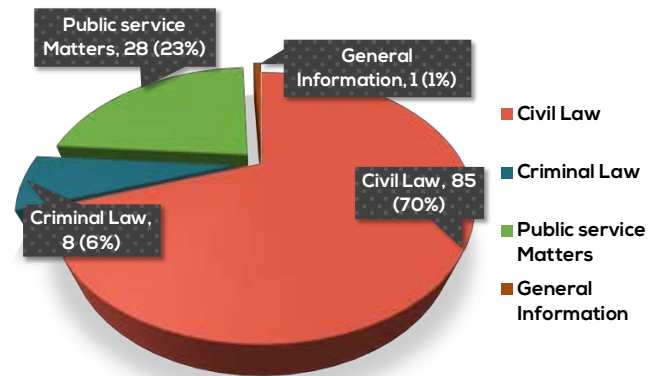
Joining forces for deploying ADR mechanisms

DIVERSION OF CASES towards ADR Mechanisms

With the SLACC providing free-of-cost legal advice 24/7 nationwide and internationally, it has continued referring numerous queries toward ADR mechanisms. A total of **2,628 ADR-related queries** were responded to from 2017 to March of 2022. During this reporting quarter (April – June 2022), SLACC responded to **122 queries** that were deemed to be suitable for court-annexed and semi-formal modes of ADR.

These callers were connected with ADR referral pathways and service providers. The majority of the queries reported fall under the following categories:

Legal query categories



Partnering with Gilgit Baltistan Judicial Academy (GBJA) to strengthen formal ADR Systems in Gilgit-Baltistan

Legal Aid Society (LAS) recognizes the fact that justice system professionals are responsible for ensuring citizens' access to justice and improving the rule of law in the country. This is of utmost importance in a region like Gilgit Baltistan (GB) where terrain and harsh weather not only hinder citizens' access to justice institutions but also where informal dispute resolution forums are widely utilized with the members of all sects, capacitating the Judicial officers will upsurge the use of formal ADR forums which shall be enabled in near future.



To cater to this situation LAS is collaborating with the Gilgit Baltistan Judicial Academy (GBJA) to draft the legislative framework for Alternative Dispute Resolution (ADR) and the capacity enhancement of judicial officers across GB – which will ultimately

reduce the burden of caseload on the judiciary; thereby reducing time and cost of dispute resolution of litigants and disputants and increasing the efficiency of courts. This initiative will help in establishing state recognized ADR system in GB, a much-needed intervention

since no such mediation mechanism was previously available in GB (as per the findings of the recent Scoping Study carried out by LAS). Moreover, LAS and GB Chief Court will also establish a referral system to provide legal assistance to the residents of GB residing in Karachi.

COLLABORATING WITH LAW COLLEGES: Preparing Change Makers & ADR Brand Ambassadors of tomorrow

To ensure a consistent supply of ADR, it is imperative that foundational knowledge is established amongst key stakeholders. There is a need to therefore educate today, to create ADR practitioners of tomorrow.

Taking this proactive approach, the Legal Aid Society under its ADR Change Makers' Program aims to provide on-job training to fresh graduates (including interns & trainee officers). These Change Makers will work alongside LAS field staff to build the capacity of ADR Paralegals and assist them on multiple matters whilst helping the community to connect with the correct legal forums. Through this initiative, LAS will be training 100 law students from 5 law schools across Sindh.



Following the same Legal Aid Society signed an MoU with Hamdard University and the University of Sindh on June 21, 2022. Through this partnership LAS aims to enhance the capacities of law students & faculty members for these respective universities, and hence

prepare the future generation of lawyers to be the ambassadors of ADR mechanisms. This will also enhance the legal knowledge, skills, and confidence of law students while settling disputes, and striving for the implementation of the rule of law in Pakistan.

The occasion was graced with the presence of **Justice Arif Hussain Khilji** (Chief Legal Advisor, LAS), **Justice (F) Prof. Dr. Qammaruddin Bohra** (Dean, Faculty of Law, Hamdard University), and **Mr. Ali Raza** (Assistant Professor, Faculty of Law, University of Sindh, Elsa Kazi Campus, Hyderabad).

ENGAGEMENTS WITH VARIOUS STAKEHOLDERS

During April, May, and June 2022, LAS held a series of advocacy meetings and policy discussions with members from the Federal Judicial Academy (FJA), Law and Justice Commission of Pakistan (JCP), Legal Aid and Justice Authority (LAJA) Islamabad, Islamabad High court (IHC), Office of the Federal Ombudsperson and Pakistan Mediators Association (PMA). Through these engagements, LAS is desirous of Establishing a Pro-ADR Culture within the Legal Fraternity; Creating a Demand for ADR: Promoting Mediation and Arbitration, and introducing various Policy Changes and Notifications to encourage ADR at the Federal, Provincial, and District levels.

Through these efforts, LAS along with these government bodies is striving to lay a strong foundation for institutionalizing ADR across Pakistan. These efforts will be further amplified with upcoming pilot projects in Islamabad, GB, and Sindh. Successes from these geographical pilot projects may be further scaled across provinces and administrative units to ensure quick disposal of civil and family cases, enhanced access to justice for the common man, and increased trust in the judicial system of Pakistan.



ADVOCACY & AWARENESS:

Sensitizing Communities and Stakeholders Across Sindh on ADR

INCREASING PUBLIC AWARENESS: Through SMS & Rickshaw Campaign



To educate the community with information on the relevant administrative forums before which they can file their complaints against government agencies in cases of maladministration, LAS initiated awareness campaigns across targeted districts of Sindh.

Reaching 1.2 million lives in Pakistan via SMS, a widespread campaign with 1000 rickshaws (promoting ADR messages) was also rolled out across 10 districts in Sindh.

TV PROGRAM ON PTV: Discussion on the Importance of ADR



On May 13, 2022, **Justice (R) Zafar Sherwani** (Consultant for LAS & Renowned ADR practitioner) appeared on a PTV News Morning Show, titled "Subh-e-Nou", which aired on Pakistan Television Network (PTV). During the interview, he thoroughly defined ADR and methods of ADR for resolving disputes by means other than litigation. Throughout the conversation, emphasis was maintained on promoting ADR as a cost and time-effective model.

He further added that LAS is contributing significantly to spreading awareness, improving supply and demand for ADR, and institutionalizing court-referred mediation. The objective of the effort was to mitigate expensive and lengthy court procedures incurred by the private sector, to help extricate small and medium businesses from litigation, and to help release assets caught up in legal disputes.

CANs: Creation of Sustainable Networks for Resolving Community Issues



With proven successes and major wins on its ADR Program, the need to create sustainable models for community engagement emerged as a critical requirement for the way forward. To ensure the sustainability of its interventions, LAS aims to train 192 ADR Paralegals across 8 project districts of Sindh; enabling communities to successfully reach out to relevant ADR providers for quick and effective resolution of their legal needs. The most marginalized section of the community, including transgenders, will also be a part of these CANs (Community ADR Networks).

On June 18 & 19, 2022, LAS kick-started the initiative, with a training of 72 paralegals (38 male paralegals, 31 female paralegals, and 3 transgenders) hailing from Sukkur, Larkana, and Khairpur. A customized training curriculum for the Paralegals was mutually designed by ADR experts and the LAS team.

STUDY OF RELEVANT POLITICAL, JUDICIAL, AND LEGISLATIVE STRUCTURES in Gilgit Baltistan

For the successful and sustainable implementation of formal ADR in Gilgit Baltistan (GB), LAS recently executed a scoping study: 'Establishing formal Alternative Dispute Resolution (ADR) mechanisms in Gilgit Baltistan' as an attempt to discover the available ADR mechanisms (formal and informal) prevalent in GB & to understand the judicial and legislative branches of the government, their functions, and how best they can be engaged to run a successful and sustainable ADR Program in GB.



It was found that the judicial contests faced by the judiciary in GB were similar to the rest of Pakistan with increasing case pendency that utterly hinders the judiciary's capability to guarantee the provision of inexpensive and expeditious justice to the public. Moreover, people's trust in informal ADR forums is highly prevalent than in formal justice systems. As per the findings of the scoping study, it is evident that there is high demand for setting up a formal ADR mechanism in GB. Establishing formal mediation centers with trained ADR judges, and certified ADR practitioners will bear the fruit of swift and effective means of justice delivery in GB.

In collaboration with Gilgit Baltistan Chief Court Gilgit (GB) and Soni Jawari Center for Public Policy SJCPP, LAS launched this Scoping study on June 30, 2022, further proposing a roadmap for the Government, Judiciary, and CSOs to institutionalize ADR for reducing court pendency and ensuring efficient access to Justice.

The event was graced with the presence of **Mr. Ali Baig** (Honourable Chief Judge, GB Chief Court), **Mr. Sohail Abbas** (Law Advisor), **Mr.**

Ghulam Abbas Chopa (Registrar GB Chief Court), **Mr. Izhar Hunzai** (Head of Soni Jawari Center), along with the legal fraternity of GB. The Honourable Judge, Mr. Ali Baig, in his remarks mentioned:

"ADR systems are being practiced across the world, which offers timely and affordable justice to the masses. We welcome Legal Aid Society in GB and are fully committed to strengthening the justice system in GB."



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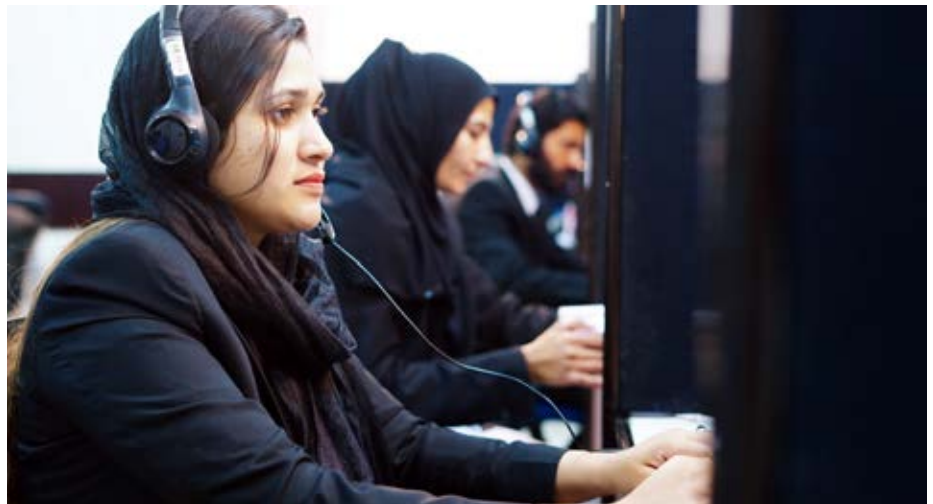


EMPOWERING CITIZENS THROUGH THE SINDH LEGAL ADVISORY CALL CENTRE (Toll-free number: 0800-70806) - a public-private partnership between the Government of Sindh and the Legal Aid Society

The Sindh Legal Advisory Call Center (SLACC) is a flagship project of the Legal Aid Society in partnership with the Government of Sindh. It is dedicated to fulfilling GoP's commitment to Goal 16 of the United Nation's Sustainable Development Goals (SDGs) on the "provision of access to justice for all." SLACC is Pakistan's first toll-free helpline operating 24/7 providing free legal advice from High Court enrolled lawyers to vulnerable communities.

To date, the call center has received over **360,119** calls via an Interactive Voice Recording (IVRT) system, with over **157,276** queries being registered and resolved from over 450 cities across Pakistan.

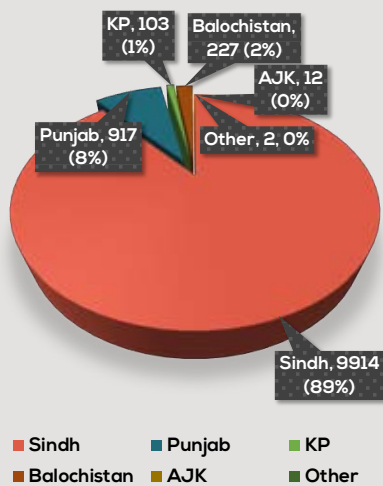
We concluded the year 2021-2022 with resounding success. The call center exceeded last year's projections and performance and catered to a monumental number of 35,000+ queries from across Pakistan. During the last quarter alone, SLACC registered **11,175** queries.



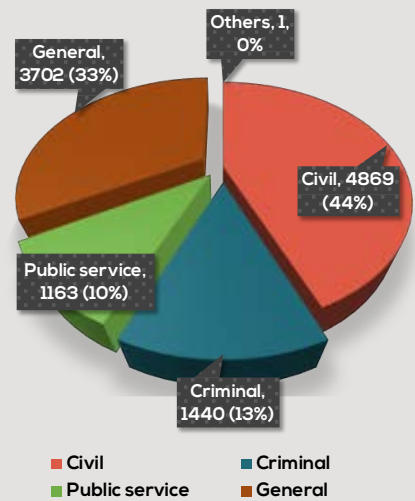
SOME DATA HIGHLIGHTS from the reporting quarter

As seen in the figure, a majority of queries received by SLACC related to civil law matters, which often encapsulate legal concerns with social and monetary barriers to achieving justice. Within the Civil Law domain, most queries pertained to family laws, followed by partition and Muhammadan laws. that the data suggests a positive correlation between the number of female callers and queries regarding family law highlighting SLACC as playing an instrumental role in providing women with legal advice on sensitive matters and their rights in properties from the comfort of their homes.

Provincial Breakdown of SLACC Callers



Legal query categories



Witnessing an increasing trend from female callers

Queries during the last quarter came from 8,038 male callers, **2,537 female callers**, and 2 callers who did not prefer to disclose their gender.

Women made up 24% of the total caller base at SLACC.



EXPOSURE VISITS at the SLACC

Visit by former Law secretary, along with the founder of SHE NGO and Brandso Marketing

Honorable Mr. Shariq Ahmed (Secretary, Benazir Bhutto Shaheed Human Resource, Research & Development Board) visited SLACC, accompanied by **Ms. Saman Abid** (Founder and President of SHE club and Brandso Marketing). The meeting explored potential synergies between SHE club (a local empowerment group campaigning for women's rights); to improve opportunities for females in interior Sindh through the provision of access to quality legal advice, and awareness of their legal rights through the SLACC toll-free number 0800-70806.



Partnering to provide Mental Health Services, Legal Aid & Advice to vulnerable communities

In an effort to empower marginalized communities across Pakistan, LAS signed an MoU with Sehat Kahani on May 9, 2022, to start a cross-referral mechanism between the organizations to further democratize the provision of mental health and legal aid services to disempowered members of society.

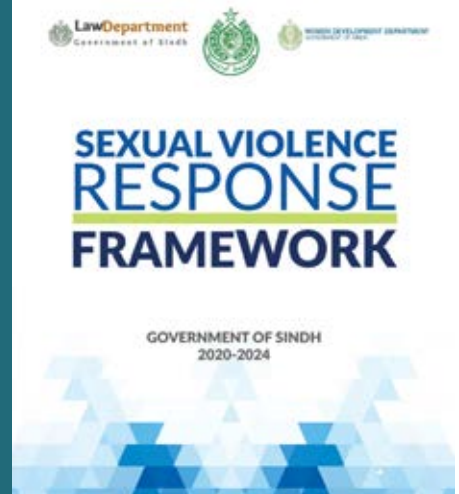
This partnership has also benefitted our on-call lawyers, as Sehat Kahani's professional team carried out a mental wellness awareness session with them, aimed at building a safer, mutually respectful, and active environment for the SLACC team.



STRENGTHENING GOVERNMENT'S RESPONSE TO SEXUAL VIOLENCE IN SINDH

LAS strives to improve access to justice for survivors and victims of Sexual and Gender-Based Violence (SGBV) by improving the capacity of critical Criminal Justice System (CJS) actors to better respond to sexual violence specifically.

LAS has been working with the Government of Sindh (GoS) in this regard to develop a comprehensive five-year plan titled the "Sexual Violence Response Framework" (SVRF), for effective implementation of laws and policies related to sexual violence. The SVRF stands out as a compendium of recommended actions identified by various stakeholders, including civil society, lawyers, police, and other relevant government departments and institutions.



PROVIDING SECRETARIAL AND TECHNICAL SUPPORT to the Multi-Sectoral Coordination Committee (MSCC) under the Chairmanship of Chief Secretary, Sindh

The Legal Aid Society and Pathfinder's International presented a four-point plan to the Sindh Government's Multi-Sectoral Coordination Committee on April 28, 2022. This meeting included secretaries and representatives from the Home Department, Sindh Police Department, Sindh Commission on the Status of Women, Law, Parliamentary Affairs & Criminal Prosecution Department, Department of Empowerment of Person with Disabilities, Planning and Development Department, Social Welfare Department, Health Department, Sindh Human Rights Commission, Sindh Child Protection Authority, Pathfinder International, United Nations Population Fund, and LAS.

The agenda revisited the legal obligations of the GoS, relevant

interventions in the SVRF, and the importance of MSCC. A brief introduction to the salient features of the Anti-Rape (Investigation & Trial) Act 2021 was also provided to the attendees along with its integral role in the implementation of the SVRF and the timeline of rape laws in Pakistan. The MSCC called for the notification of 4 Technical Working Groups (TWGs) based on SVRF's priority areas including:

- i. Medico-Legal Reforms,
- ii. Creation of a Performance Management Framework,
- iii. Assessment of SGBV Processes, and
- iv. Establishment of ARCC in Sindh.

The impact of this joint coordination between the stakeholders led to:

- i. A coordinated effort for the implementation of the SVRF and SGBV legislation
- ii. A coordinated effort on

implementation of the Sindh Medico-Legal Reforms Committee

- iii. Establishment, promotion, support, and operationalization of ARCCs under the Anti Rape (Investigation and Trial) Act, 2021 and OSPCs across #Sindh as mandated by the Sindh High Court Order of 2020.
- iv. Creation of a centralized data management system for the M&E of processing times in SGBV cases.

The TWGs were notified on June 17, 2022, with their respective members, chairs, and secretaries. LAS was honored to provide secretarial support for the Technical Working Groups related to SGBV processes and the creation of Performance Management Frameworks.



NATIONAL JUDICIAL CONFERENCE: Judiciary's Response to Cases of Sexual and Gender-Based Violence across Pakistan



A National Judicial Conference titled "Judiciary's Response to Cases of Sexual and Gender-Based Violence across Pakistan" was held in Islamabad on May 14, 2022, as a collaborative effort by the Federal Judicial Academy and the Legal Aid Society, to facilitate discourse on the recently passed Anti-Rape (Investigation and Trial) Act 2021 and Criminal Law (Amendment) Act 2021, and to build judicial cognizance on the operationalization of Gender-based violence (GBV) courts across Pakistan, as well as acting as a platform to apprise the audience on the various reforms, progress

undertaken by respective provincial Courts in the realm of GBV.

The conference was attended by the sitting judges of district courts across the country, including District and Sessions Judges of the Special GBV courts. The discussion was enriched by the contributions of **Justice Asif Saeed Khan Khosa** (Retired Chief Justice of Pakistan); **Justice Nasir Aslam Zahid** (Ex-Chief Justice Sindh High Court and retired judge of the Federal Shariat Court of Pakistan and the Supreme Court of Pakistan), **Justice Arif Hussain Khilji** (Chief Legal Advisor, LAS), **Justice Nasira**

Iqbal (retired judge of the Lahore High Court); **Justice Mushir Alam** (Ex-Chief Justice Sindh High Court and retired judge of the Supreme Court of Pakistan), **Mr. Hayat Ali Shah** (Director General FJA), **Justice Qazi Faez Isa** (Ex-Chief Justice Balochistan High Court and sitting judge of the Supreme Court of Pakistan); and **Justice Qazi Muhammad Amin Ahmad** (retired judge of the Lahore High Court and sitting judge of the Supreme Court of Pakistan). Representatives from the High Courts of Islamabad, Punjab, KPK, and Balochistan also shared their insights, allowing a glimpse into the ground realities.

This conference proved to be a step forward in acknowledging that to accelerate justice delivery for the disenfranchised, it is important to know the law and use the law. The conference successfully met its objective of consolidating and exchanging best practices of the judiciary across Pakistani in its response to sexual violence and initiated an in-depth analysis and critique of the recently passed Anti-Rape Act 2021.



In his closing remarks, Justice Qazi Faez Isa said:

"The Hudood Ordinance had an extremely discriminatory and impossible evidentiary criterion, and the definition of rape in the Ordinance was a further mockery of justice. I apologize to all of the women who faced humiliation due to this Ordinance for years, and were unable to access justice because Islamic teachings had been cruelly manipulated to enforce unjustness upon the victims of rape."

ASSISTING DISTRICT PUBLIC PROSECUTORS with Technical and Research Support in Sindh

LAS is working with the Office of the Prosecutor General as part of its capacity-building efforts for criminal justice actors. On June 3, 2022, LAS organized a coordination meeting with the specialized cadre of GBV Prosecutors to discuss the changing landscape of Sexual and Gender-Based Violence (SGBV) in Pakistan, along with the efforts made by the Government of Sindh. During the coordination meeting, the new rape laws in Pakistan were discussed with a focus on the revised definition of rape under the Criminal Law (Amendment) 2021.



On this occasion, LAS shared the findings from its analysis of 50 disposed-off rape cases, which highlighted the bottlenecks and gaps in the prosecution of rape cases, along with the recommendations for eliminating the gaps and increasing the conviction rates in sexual violence cases. The Prosecutors discussed lessons learned from the courtroom and what accounts for rape under the new law. They also used this platform to discuss SGBV cases and the challenges that they face.



BUILDING ROADMAPS TO IMPROVE STATE'S RESPONSE TO SGBV in Sindh

LAS aims to build a strong referral mechanism with criminal justice actors who would respond to SGBV crimes and victims. In this its mission to create a victim-centric justice system, LAS has established referral mechanisms with the Anti-Violence Crime Cell and Gender Protection Units of the Sindh Police.

Through these mechanisms, the relevant criminal justice actors can refer victims and complainants directly to LAS for legal assistance and advice.



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FEATURED ARTICLE: DUA ZEHRA CASE - A Systematic Miscarriage of Justice

One of the notorious cases of child early forced marriage that has caught media attention quite recently is Dua Zehra case. It is alleged that it unveiled patterns of organized crime of abducting and trafficking underage girls from Sindh to Punjab and coercing them into solemnizing marriage since the age of consent to marriage in the latter is 16. During the same time, another young girl, Nimra Kazmi, was reported missing; later, she was found in Punjab married. The Dua Zehra case, however, is undeniably unique and questions the integrity of government institutions and the justice system. It demonstrated how systemic gaps, miscommunication, and misinterpretation of law lead to the miscarriage of justice.

During the perusal of its case file, it was found that due to receiving media and societal pressure the law enforcement agencies irrefutably invested their time and efforts in the recovery of the alleged abducted minor, Dua Zehra. Initially, the FIR was registered as an abduction and kidnapping case by the father who claimed to also have received ransom calls. Police ensured to connect with various stakeholders including communication, transport, and intelligence agencies, particularly the FIA cybercrime unit to create a digital and analog track and recover the minor; they failed nonetheless. Amidst these endeavors, **Murad Ali Shah** (Chief Minister, Sindh) revealed that the police has successfully traced the minor whilst Lahore Police shared that the age of the alleged abductee is 18 years as per the marriage certificate i.e. nikkahnama collected during the recovery from Bahawalnagar. At about the same time, a few videos surfaced on the internet where Dua Zehra states that she eloped and has willfully contracted marriage with Zahir Ahmed.

Hearing such a case makes you cringe. The case seems to have been mishandled by the police, and the juridical interpretation

of the Child Restraint Act 2013 seems flawed. The documents i.e. birth certificate, educational documents, and NADRA certificate used to report, trace and identify the alleged abductee as Dua Zehra were considered false when presented for the determination of the age of the alleged victim. As per the stated law, the aforementioned documents should have been considered prima facie to determine the identity and age of the alleged victim and immediately should have given custody back to the parents; or the victim should be placed in the child protection center if there is a threat to life from the parents. Instead of implementing the law, the court orders an ossification test to medically determine the age. As per the ossification report, the age comes out to be 16/17 years with two years of margin of error. The report was produced without a medical board and by a less experienced doctor in the medical facility.

The Sindh High Court (SHC) in its judgment reveals that due to limited constitutional jurisdiction as ascertained in Article 199 of the Constitution, the court cannot and will not intervene to resolve the factual dispute of age. So far as the offense of kidnapping and abduction is concerned, the case file clearly shows that less to no investigative resources were invested after the alleged minor's recovery to determine if she had been abducted or eloped. The law enforcement agencies and the judiciary exclusively relied upon the alleged victim's 164 statement

where she explicitly denied any attempts of kidnapping or forceful marriage. Due to a sheer lack of evidence to prove the case of abduction, complimented by Dua Zehra's confessional statements and less reliable ossification test (age) report, the SHC rejected the petition of Dua Zehra's father and gives 'liberty' to the alleged victim to reside with whomever she wishes to reside.

Not only had the police failed to collect evidence of either abduction or elopement, but the court also decreed that the alleged victim is not a minor despite its limited jurisdiction and an allegedly "mala fide" report. Once again, the case of Dua Zehra has revealed the successful operation of patriarchal notions, the flaws in the investigation by the police, and the lacunas in interpreting law by the judiciary. Yet again, the justice system has failed to deliver justice to an alleged minor and her father (complainant) as the Supreme Court wraps up the case soon after the complainant withdraws his plea to move High Court's decision.

Shanil Khowaja

Research Associate, Legal Aid Society



EMPOWERING WOMEN TO UNDERSTAND AND ACCESS JUSTICE MECHANISMS FOR THEIR PROPERTY RIGHTS



Working with Patwaris and Land revenue officials for reducing institutional hurdles for women

5 trainings with Patwaris, Mukhtiar-Kaars, and Land Revenue officials were held during the reporting quarter in the DC offices of Karachi (Korangi, East, Malir, Central) and Shaheed Benazirabad, on women's right to inherited property. The objective of the training was to raise awareness of the various ways in which women (and transgender individuals) can legally acquire property through inheritance, gifts, and wills. Shares of inheritance, procedural information about registering cases in the court, administrative hurdles in obtaining documents, and other legal processes were also discussed.

The training underscored the role of Patwaris and its significance for reducing institutional hurdles for women accessing their property rights.

Indeed, a woman's right and ability to own, inherit and control property is a key factor in achieving economic opportunity and development, empowerment, security, shelter, and livelihood. It also increases women's power to make decisions in the household, exercises their right to leave toxic domestic environments, and builds wealth and autonomy. In Pakistan, despite guarantees under law and religion enabling and protecting women's right to own and control property, women still find their control and decision-making power wrenched away from them due to retrogressive norms and socio-cultural perceptions and practices.



FROM SCHOOLS TO UNIVERSITIES AND BEYOND! - Enabling Access to Legal Aid!

Legal Aid Society conducted Community Awareness Sessions on women's legal rights in properties at the:

- SZABIST-ZEBTech Nawabshah Campus on April 1, 2022;
- Sir Shahnawaz Bhutto Memorial Library Larkana on March 31 & April 01, 2022.

A total of 459 students actively participated in these sessions, asking questions, providing feedback, and actively engaging with the information being shared with them. On the occasion, many students inquired about details in

the Nikahnama and the protections it offers for women in Pakistan, which include financial and social security.

These were conducted as part of the intervention for a year-long evaluation of women's perceptions to create awareness and justification for the right of a woman to have a share in marital property. The sessions focused on women's non-economic contributions and argued for marital property rationale within the Islamic framework and principles of fairness and justice in Islam.



Closing the Gap between Law, Policy, and Practice on Women’s Right to Property



Legal Aid Society (LAS) is committed to increasing access, ownership, and control of women in their property rights. For this purpose, we partnered with the National Commission for Human Rights and Sharmeen Obaid Chinoy Films to launch a series of video documentaries “Insaaf ki Talash” that aims to better understand the actual experiences of those navigating through the courts and justice systems in Pakistan.

A launching event for these documentaries “Closing the Gap between Law, Policy and Practice on Women’s Right to Property” was organized by LAS on May 13, 2022, at Hotel Marriott in Islamabad. With a trailer for the documentaries released during the event, a documentary was also showcased portraying powerful narratives of

women from across Pakistan as they battle through the challenges of accessing justice to acquire their property. A panel discussion was also held to contribute to the discourse on women’s right to property on various themes, including attitudes and practices that portray women as invisible citizens as most women in Pakistan.



The Conference also contributed to the discourse on women’s right to property - discussing women’s status as invisible citizens, attitudes and practices barring access to ownership in properties, economic exclusion

along with the lack of access to grievance mechanisms for women.

All documentaries have now been released and are available for viewing across LAS social media.



SCREENING OF THE DOCUMENTARIES - at the grassroots level

In Pakistan, vulnerable groups such as women, especially those who belong to a religious or a gender minority group, continue to be at risk of being unlawfully deprived of their legal property rights. Continuing our efforts to socio-economically empower these vulnerable groups at the grassroots level, LAS partnered with the National Commission on the Status of Women, Islamabad & SOC films for spreading awareness on women’s inheritance and residential rights in Sindh.



A set of 9 animated film series launched earlier this year are currently being shown via mobile cinemas across the Country. These animated explainer videos make it easy for women to understand subjects such as inheritance law, rent, and eviction laws, and processes to claim inheritance.

A total of 110 mobile cinemas were administered in various districts of Sindh & Punjab during the reporting quarter, reaching a total of **6,511 students and members of the community.**

INTERNATIONAL CONFERENCE: on Marital Property

Thousands of married Muslim women in Pakistan today find themselves prevented from exercising their property rights. For many, their socio-economic independence, free of any male relative, remains a far-fetched dream due to social stigmas on one hand, and institutional hurdles on another. To tackle both ends, LAS continues to raise awareness, build capacity, and advocate for the protection and preservation of women’s right to matrimonial property in Islam.



In collaboration with Musawah and Women in Law Initiative - Pakistan, LAS has held its second conference on Women’s Right to Matrimonial Property to further build capacity and generate awareness across lawmakers and advocates. This conference focused on Islamic principles found within Muslim Family Laws (MFL) across Asia and the wider Muslim world that argue for equity and justice within a Muslim marriage, and how these principles are the foundations upon which a family’s safety and health rely.

During the conference, the lawyers were engaged in multiple proactive discussions on adopting new legal

strategies to aid women’s access to their matrimonial property rights. Dialogues between lawyers explored positive developments in Muslim Family Law (MFL) across the globe such as in Brunei, Malaysia, and Singapore, and through matrimonial property rights regimes adopted in these nations, underscored the application of legal strategies in Pakistan to argue for women’s right to matrimonial property.

The conference laid the foundation to mobilize the legal and judicial spheres on playing an active role to help women attain their matrimonial property rights.



LAWYERS TRAINING in Karachi

A roundtable discussion in collaboration with Women Lawyers Association was held on May 19, 2022, with 32 lawyers to discuss challenges and strategies with regard to women's property in the context of criminal law.



This discussion was led by **Advocate Basam Dahri** (Litigation Specialist, Legal Aid Society) and **Zahra Vaiyani** (Founding partner, Zahrah S. Vaiyani & Associates).

Pursuant to the Legal Aid Society's aim of strengthening justice system actors this discussion aimed to better the understanding of law and practice at the intersection of gender and property law.



LAWYERS TRAINING in Larkana

Another roundtable discussion with Lawyers of Sindh High Court Bar Association Larkana & District Bar Association Larkana was held on May 30, 2022, to discuss the challenges and strategies concerning women's property in the context of criminal law, along with legal interests in moveable and immovable property in the context of the transfer of property act, registration act, civil procedure court, and specific relief

act. The training also focused on reading and citing case law before the judges.

The discussion was led by **Advocate Basam Dahri** (Litigation Specialist, LAS) and **Reema Rahman Laghari** (Community Lawyer); and witnessed active participation by 46 attendees.



ENSURING RIGHTS & ACCESS TO JUSTICE for Religious Minorities in Pakistan

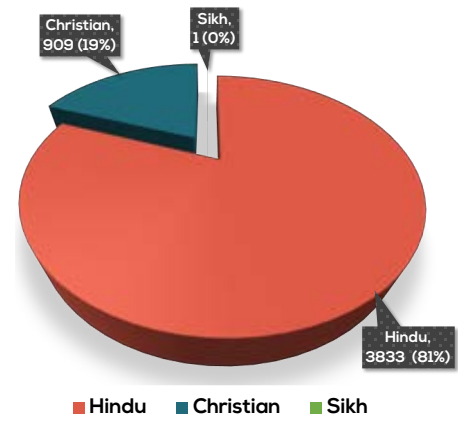


LEGAL EDUCATION AND AWARENESS Clinics

LAS aims to identify the barriers to justice faced by religious minorities in Pakistan, and strives to legally empower religious minority communities through education and provision of legal aid and support and to assess the effectiveness of the justice system in responding to legal needs and protecting the legal rights of minority communities.

To achieve this, the LAS team successfully conducted **188 awareness clinics**, witnessing active participation from **4,743 religious community members** from 8 districts of Sindh. The chart to the right reflect the community-wise breakdown of the audience at the legal clinics conducted from April to June 2022.

Participants of Legal Aid Clinics: Breakdown by Community



COLLABORATING WITH HUM-AAHANG LUMS to launch LNA Report

The Legal Aid Society and Hum-Aahang LUMS organized a launch event for our publication **"Justice & Rights for Religious Minorities in Sindh: A Legal Needs Assessment"** where the LAS team presented key findings of the report.

discussion hosted by **Naumana Suleman** (South Asia Coordinator, Minority Rights Group), **Hiba Akbar** (Teaching Fellow, LUMS Law School), and team members of the Legal Aid Society. On the day the participants suggested Anti-discrimination laws, which could be enforced to promote socioeconomic inclusivity in society.

This was followed by a Panel



JUSTICE SUCCESS **STORIES**

Ensuring access to basic necessities - Enabling financial security

Ganga, a mother of six (3 sons and 3 daughters), lives in a borrowed house, in a small village near district Larkana along with her husband and sons. All of her three daughters have been married off; while her youngest son (aged 8) is a special child. The remaining two sons (aged 16 and 19) along with her husband are daily wagers who were unable to get work regularly. Fortunately for them, Ganga had been a beneficiary of the Benazir Income Support Programme (BISP) for more than 10 years, which is the main source of their income; while this income was used for fulfilling the basic necessities of life.

In November of 2021, the BISP allowance payment was suddenly clogged, rendering the family into tough conditions, and for once they could hardly buy ration and medicines. Under such circumstances, Ganga having no money to rent a rickshaw;

traveled long ways on foot to all the concerned offices in the city to get this issue resolved, but failed miserably to get any satisfactory response, hence causing further disappointment and hopelessness.

One day Ganga happened to attend a LAS awareness clinic in the village; where Ganga learned that LAS provides free legal assistance to the marginalized segments, particularly the minority groups. At this moment Ganga saw a ray of hope for justice. At the end of the session, she discussed her case with the team, who immediately took notice and followed the necessary steps to assure that Ganga attains her right. With the help of LAS' field advocate, a complaint was lodged with the federal ombudsperson, and Ganga was invited to present her case in the presence of an 18th-grade officer from BISP. During this period the LAS field advocate consistently remained in contact with Ganga and

guided her throughout the process. As a result of which a favorable response was promptly seen, and the issue was resolved within the next 15 days. From the very next month, Ganga restarted to receive PKR 12,000 as her BISP allowance payment.

"I was literally crying when I received the money in my hand. Although in this era 12,000 is not a huge amount; but it brings survival for me and my family. With my righteous allowance in my hand, I ran through the neighborhood, telling every person about my story as I was very happy. Now, I can buy ration, clothes, and medicines; hence ensuring my survival. I am very grateful to Advocate sir, the LAS team in Larkana, and its management for their rigorous support"



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JUSTICE SUCCESS **STORIES**

JUSTICE PREVAILS! as LAS Advocates achieve convictions in 2 SGBV Cases

LAS is providing free legal aid and advice in 46 SGBV cases. The Advocates have secured a conviction against rape in 9% of the cases and obtained protection orders in 20% of the cases. The highlights of the convictions are as follows:

1. On 7 April 2022, the accused was convicted under S.376 PPC and sentenced to 10 years rigorous imprisonment and a fine of Rs. 100,000/- in a judgment by the Additional District and Session Judge, District South, Karachi for committing the rape of a 4-year-old female survivor.
2. On 19 April 2022, the accused was convicted under S.376 PPC and sentenced to 20 years rigorous imprisonment and a fine of Rs. 100,000/- in a judgment by the Additional District and Session Judge, District South, Karachi for committing the rape of a 16-year-old female survivor.

Choosing a healthy life over an abusive relationship

Ms. Achiya (23 years) was married to Mr. Hakim of Taluka Sinjhor, District Sanghar. 7 months into the wedding and living in a joint family, she was made uncomfortable at home by not being permitted to see her parents or move out of the house, and neither was being given a single rupee for pocket money or any personal expenditure. Suffering from suffocation and mental anguish, Achiya at first tried to sort these issues by speaking to her husband, upon which her husband kept rude behavior, and suddenly began arguing instead. The issue got flared up and led to further frustration for Hakim, who then ousted Achiya out of the home.

Through a focal point, Ms. Achiya went to the LAS district office in Sanghar. LAS team in Sanghar



listened to her plight, consoled her, and explained the procedure for filing her case at the Sanghar family court. After filing a case for

dissolution of marriage and return of dowry items, the Sanghar family court granted her request, freeing Achiya from a toxic relationship.



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