

NEWSLETTER

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EMERGENCY ASSISTANCE FOR COVID PREVENTION

CWP-LAO in partnership with the Legal Aid Society has provided **1300 masks, 335 250 ml hand sanitizers, 400 soaps, 1500 pairs of gloves** and protective equipment to prisons in Hyderabad and Karachi. The equipment is expected to help over 300 prisoners. All efforts are being made to provide more equipment to cover prisons in Khairpur and Sanghar and other districts.

In addition CWP-LAO has also facilitated a donation of **1,000 litres of gel hand sanitizer** to the Prisons Department which has been a generous donation provided by Mr. Dewan Mohammad Yousuf Farooqui, Chairman of Yousuf Dewan Companies and Mr. Zeeshan Naeem. The sanitizer gel is being used in the adult male facilities.



Juvenile Prison, Hyderabad



Juvenile Prison, Karachi

LITIGATION SUCCESS

This quarter, CWP-LAO is proud to share the following successes from its committed litigation team:



SAFETY AT WORK FOR CWP STAFF

In a bid to contain the spread of COVID-19 and to ensure the wellbeing of its staff members, the CWP-LAO has taken a number of urgent measures which have included the development of a work from home policy for a majority of staff. Lawyers and other court staff are routinely attending urgent hearings in courts and will be coming to offices in clusters for reporting mechanisms so as to ensure social distancing at the work place is also maintained.

The offices have been disinfected and hand sanitizing dispensers and material has been provided along with masks and other equipment. Lawyers have been briefed on safety protocols and are complying with the issued directions.





EDITORIAL

JUSTICE NASIR ASLAM ZAHID

CHAIRPERSON
CWP-LAO

COVID-19 is the greatest global health crisis the world has seen in recent history. Dr Hans Kluge, WHO's regional director in Europe, told the Guardian:

Covid-19 knows no boundaries; this includes transmission between detainees, facility staff, visitors, and undoubtedly extending outward to (re)infect the general public. Only the boldest of actions will slow and stop the spread of disease. We must not leave anyone behind in this fight.

The nature of the virus and how it spreads is particularly worrying for global prison populations, where overcrowding, poor sanitation, and lack of access to robust medical facilities is often a problem. According to a 2019 report on global prison trends, there are more than 10 million men, women and children incarcerated in prisons across the world and prisons are overcrowded in at least 121 countries. Social distancing, which has been advised by governments across the world, is impossible in these contexts. WHO guidelines for prisons in these challenging circumstances is to limit access to prisons to essential staff and visitors only, and to institute mandatory screening for fever and lower respiratory tract symptoms throughout.

In Pakistan, prison populations are protected – as are ordinary citizens – by the constitutional right to life. Thus, a duty of care is owed by the State to safeguard the right, as prisoners are especially vulnerable to infection, and have no freedom to make choices or decisions regarding their own healthcare. In light of this, the Pakistani government has taken some positive steps towards reducing the risk posed to prisoners. The Sindh Government has suspended visits and has imposed restriction on face-to-face or contact visits for people in detention. In addition, on request of the IG Prison, Sindh, the Chief Minister has recently approved a summary to release thousands of convicts from prisons to prevent the spread of COVID-19. World over, the primary strategy being adopted is the release of prisoners. However, the Supreme Court ordered the arrest of recently released undertrial prisoners rendering the decisions of lower courts null and void. The apex court's decision provides some guidelines for exercise of release such as prisoners who are sick or have any disability can be released if they were sentenced to jail

for three years or less, prisoners who have completed their sentences but failed to pay the fine can also be released, women and children who have completed 75 per cent of their sentence can also be released. In addition to steps already taken, the government should undertake a thorough assessment of all laws and rules that apply to prisoners to determine other ways of lessening the prison population during this crisis.

The outbreak of COVID-19 presents a unique opportunity to take advantage of existing provisions on non-custodial sentencing and make a difference to the lives of thousands who are currently at grave risk of contracting this disease. The criminal justice system must take measures to adapt to the fast evolving situation with COVID-19 by reducing the number of people detained in prisons across Sindh, and utilize this moment to make long-lasting reforms that have benefits long into the future.





Central Prison, Karachi

A GLIMPSE OF CWP-LAO ACTIVITIES THIS QUARTER

INAUGURATION CEREMONY OF PARALEGAL CLASS ROOM IN CENTRAL PRISON, KARACHI

The Paralegal Room was inaugurated at the Central Prison, Karachi on 19th February 2020 by IG Prisons Mr. Nusrat Mangan and Chairperson for the Committee for the Welfare of Prisoners Justice Nasir Aslam Zahid. The prison has a fully functional prison paralegal service which provides legal awareness to new prison admissions in a sustainable and supervised manner.

It is one of the rare examples of legal empowerment in which literate convicts are trained so as to be able to provide legal awareness and information to other prisons.

In the closing ceremony, Superintendent, Mr. Mohammad Hussain Sahito distributed appreciation certificates among the paralegals. They emphasized on the role of Paralegals to sustain the concept of legal empowerment among the under trial prisoners and also appreciated the efforts for their legal aid immense support. During the time when prison visits have been suspended and lawyers may find it more challenging to visit their clients in prisons, it is expected that this cadre of prison paralegals will fill the void and assist spreading critical legal information and knowledge to others prisoners.



Women Prison, Larkana

INTERNATIONAL WOMEN'S DAY

CWP-LAO in collaboration with the Women's Development Department and Sindh Prisons Department commemorated the International Women's Day in Hyderabad, Sukkur & Larkana Women Prisons with a focus on recognizing the indispensable role and incredible achievements of women across different facets of life. Challenges women face during incarceration were highlighted by women along with the need for raising awareness about the importance of literacy and economic and legal empowerment.

WDD focal persons urged for the elimination of discrimination against incarcerated women.

The govt. officials from Women Development Department, District Session Judges, Sukkur and Larkana, and Regional Director Federal Ombudsman were also present during the event.



Women Prison, Hyderabad



MENTAL HEALTH SCREENING FOR WOMEN PRISONERS

CWP-LAO, in partnership with Sehat Kahani (S.K), initiated an assessment of the mental health of women inmates in Women Prison of Hyderabad, Sukkur, and Larkana.

Through this mental health service, we have provided psychotherapy counselling sessions & psychiatric evaluation assessment to 60 women inmates. Women inmates were detailed screened and assessed.

Regular counselling sessions of the inmates are highly recommended at least once a month and it is expected that the demand for the same will increase due to the suspension of visits in prisons which will have an adverse impact on the mental health of prisoners.

ONE DAY IN-HOUSE FINANCIAL TRAINING FOR NON-FINANCIAL MANAGERS

An in-house training was arranged for the non-financial managerial staff of LAO-CWP on 14th Feb-2020 to improve efficiency and productivity of staff and to hone skills and knowledge base of team members in terms of managing financial resources.

SENSORY GARDEN FOR ELC CHILDREN



Early Learning Centre, Women Prison, Karachi

The AMI School in collaboration with CWP-LAO and with the support of Sindh Prisons embarked upon a project to develop a Sensory Garden area outside the ELC Karachi in the Women's Prison in Karachi.

The aim is to help with the development of children through a variety of sensory experiences which will stimulate their senses in ways that they may not be used to in a normal prison setting.

For the initial needs assessment members of the AMI school along with members of parent body visited the facility on 6th February 2020 in the presence of the I.G Prisons Sindh, Mr. Nusrat Mangan. He appreciated the efforts taken by the AMI School and finalized the planning stage. At present the fund raising for this project is on hold due to the outbreak of COVID-19.

SUCCESS STORIES

LARKANA

MR. CHANA

The case of Mr. Chana was referred to the CWP-LAO by the court of 3rd Judicial Magistrate, in Larkana as Mr. Chana was facing problems with his private lawyer who was not proceeding with the case in a timely manner despite having received legal fees. Advocate Sadia Ranjhani of the CWP-LAO proceeded with the case for Mr. Chana who was an owner of a corner shop and was arrested by the police for failing to produce relevant papers for the motorbike in his possession. A series of false FIRs were registered against him and his case proceeded in the month of February 2020. Mr. Chana was eventually acquitted.

SHAHEED BENAZIRABAD

MR. RIND

Mr. Rind is a 30 year old sole bread winner of his family with ailing parents whose needs he is responsible for. He was arrested on the charges of possessing narcotics and an FIR was registered against him under the Control of Narcotics Substances Act. Mr. Majid Ali Arain, an advocate of the CWP-LAO proceeded with his case and filed a vakalatnama along with a bail application which was granted in the sum of rupees 20,000. Mr. Rind submitted the amount and was released on bail due to the efforts of the LAO Advocate. After the usual investigation process, the charge was framed and Mr. Rind pleaded not guilty. When the matter was fixed for final arguments the court became vacant and the lawyer filed a transfer application on 21-1-2020 which was allowed on 27-1-2020. Arguments were heard and the accused was eventually released. On the day of his acquittal, Mr. Rind was relieved and was thankful for the efforts of the CWP-LAO Advocate who appeared on every hearing date and did not ask for any adjournment.

KARACHI

MISS. SARA

Sara's story began when she was merely 12 years old and was married off to her cousin. Her husband, was a drug addict and abused her on a regular basis. She bore three children however none of them could survive due to her poor health and the adolescent nature of her pregnancies. Sara's husband continued to abuse her and blamed her for the death of the children. His drug addiction also compelled him to start stealing. Eventually he was murdered and Sara was implicated by her in-laws in October 2019. The police arrested someone else on the suspicion of the homicide however the accused person further implicated Sara stating that he committed the crime on her instructions. Sara was innocent but was unable to engage a good lawyer to defend her. She was represented by the CWP-LAO's Advocate Mr. Khalid Shah who proceeded with the matter zealously. The judgment was pronounced on 3rd February 2020 in her favour and Sara was acquitted on merit whereas the co-accused was sentenced to life with a fine of 1,000,000 rupees. As a result of the tireless efforts of the CWP-LAO lawyer, Sara is with her family again and is currently employed and managing to restart her life on her own terms with her newfound freedom and financial independence.

THE PLIGHT OF FOREIGN PRISONERS IN SINDH'S PRISONS

In March 2020, CWP-LAO completed a Fact Sheet and short video for stakeholders in the justice sector regarding the plight of foreign prisoners languishing in Sindh's jails. The Fact Sheet provides a brief overview of the legal framework that governs the movement and stay of foreign nationals in Pakistan and discusses some of the practical obstacles that impede access to their legal rights. While the numbers vary month to month as new arrests and repatriations occur,

there were a total of 289 foreign prisoners in Sindh's jails early this year, with the largest represented nationality being Indians 215, followed by Bangladeshis 41 and Afghans 22.

The majority of convictions are for illegal border crossings, with Indian fishermen being arrested in Pakistani waters and then forced to serve out long sentences while awaiting the Indian consulate to make contact, visit them in prison, and verify their nationality. Indian and Pakistani fishermen represent one of the most socio-economically vulnerable group of people, as the very fact of pursuing their livelihoods is often the cause of being arrested and detained in each others' countries. Families of arrested fishermen will often not know if their loved one is dead or alive for years at a time. Given the large number of fishermen on either side of the border whose fishing boats traverse into the others' countries, India and Pakistan have signed a Consular Agreement that requires both sides to provide consular access to the others' prisoners within three months of arrest—a step which is necessary for eventual repatriation.

However, a large number of Indian fishermen 82 have finished serving out their sentences and have yet to receive a consular visit.

It is vital that the two governments work together to coordinate efforts to ensure that this vulnerable group is afforded legal protections and sent home to their loved ones as soon as possible. The Fact Sheet contains a list of recommendations and observations for the Government and other stakeholders as a starting point for engaging not only the relevant authorities in Pakistan, but for building linkages with state and non-state actors in neighboring countries working on similar issues with respect to Pakistani prisoners abroad.

In the current context with flight and travel restrictions being imposed to curtail the spread of COVID-19, there are more than 35,000 Pakistani nationals in the UAE who have registered with the diplomatic mission to seek a way to get back to Pakistan. Nonetheless, Pakistan along with India and Philippines has been unable to repatriate its stranded citizens even after the host countries have issued several notifications. In such circumstances, it is unlikely that a momentum will be built for the repatriation of prisoners however, the responsibility of countries towards their nationals, especially prisoners who are the most vulnerable in this circumstances must be stressed upon.

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