

ASSESSMENT OF **Strengthening Rule of Law in Malakand (SRLM) Project** **Being implemented by** **Holistic Understanding for Justified Research & Action (HUIRA)**



Supported by
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1. THE PERSPECTIVE

The lush-green districts of Swat & Bunir are homes of rushing torrents, icy-cold lakes, fruit-laden orchards, low & Mid-range Mountains and hospitable people. In the past, Bunir was part of district Swat. Old name of Swat was *Audiana*. In the early days of Pakistan's birth, Queen Elizabeth had visited the area and termed Swat, *Switzerland of East*. That time, it was a princely state, however in 1969, it was integrated into Pakistan. Total area of the two districts is 7202 km² and accommodates nearly 3100000 people now-a-days. (*Estimated*)

After the unification with the rest of the country, the region was given the status of PATA (Provincially Administered Tribal Area). Which means parliament's laws don't valid automatically in the area; only governor of the province could extend the laws to the region with the consent of president of the country.

After abolishing of PATA regulation by Supreme Court of Pakistan in 1994, the legal vacuum and then complex judicial system provided flourishing grounds for TNSM. In the result of tribal anomalies and antagonistic treatment of the exploitative behavior of upper class, a poor citizen of this society was not able to access to justice system and therefore in the time of Malakand militancy, a significant number of oppressed class support Taliban in the hope of justice and protection. SRLM educated a common man for easy access to existing judicial system. Now in the form of paralegal he has an immediate and free consultancy service at his door step for resolving his court related problem. This practiced encouraged both male and female to get resort of proper legal way (national judiciary system) instead of looking for miracles (in the shape of Taliban). This practice will discourage the inclination of downtrodden people for searching the support of militants and criminals.

That is why the region couldn't evolve naturally in the mainstream legal and justice system. The rest of damage was done by *Tahreekh-e-Nifaz-e-Shariat-e-Mohammadi* (TNSM) followed by *Tehrik Taliban Pakistan* (TTP) takeover. They had different kind of *Sharia*; very strict and uncivilized. People of the whole region were living in total humiliation. At the mid of 2009, a full pledged military operation was launched which compelled more than two

million people to leave their habitats and get refuge in the adjacent districts. However after bloody encounters, the military did succeed to defeat Taliban and took back the area from their control. It was a nightmare which had scared the entire population unlimitedly.

Due to the absence of good governance, corruption and nepotism, inability of administrative and legal systems prevail. Consequently people don't have access to justice; petty issues take longer time to be decided fairly. At the moment, majority population of district Swat & Bunir reckon police stations, barrooms and courts unfriendly. Rule of law, fair trial, humanly treatment and well-timed justice are like dreams.

Holistic Understanding for Justified Research & Action (HUIRA)

HUIRA is a civil society organization of concern citizens; believe on the development of its society economically, socially and culturally. It is nonpartisan, nonprofit and non-biased body. It has been working in Swat (Khyber Pakhtunkhwa) and Federally Administered Tribal Area (FATA). HUIRA was established in 1997 and registered under the society's registration Act of 1860. The organization has been struggling for the development of vulnerable, marginalized and poor segment of the society, while focusing on livelihood, food and security, Education, Health, networking and capacity building and participatory research and Right based advocacy. HUIRA strongly believes on developing constructive partnership with diverse range of stakeholders to carry out its interventions to ensure sustainability and transfer of skills. It has carried out multiple projects in partnership with various UN agencies, International aid and humanitarian agencies, provincial and district governments. HUIRA props up alliances and networks on mutually agreed issues based upon the principles of compatibility with its vision, to create synergies for bringing the desired changes.

2. ASSESSMENT METHODOLOGY

A research design principally based on qualitative facets was developed for the assessment with the following data collection tools:

Briefing by HUIRA's Implementing Team of the Project

Literature Review

Visits of District Bar and Tehsil Bar Councils

Meetings with Legal Aid Advisors and Paralegals

Interviews with stakeholders including lawyers, plaintiffs and Legal Aid Clinics Members

Focus Group Discussions

Legal Aid Clinic IEC material (Posters)

- Sachi Gawahi.
- Khawateen ki Haqooq.
- Musalihat jirga ko darkhwast dainy ka tareqa-e- kar.
- Apki bunyadi haqooq.
- Qanon ki hukumrani.
- Kia apko malom hai?
- Police apki liye.
- Malakand mein qanon ki baladasti qayim karny ka program.
- Insaf apki dehleez par.

Total # of Legal Aid Clinic = 249 in four

Phases (249 * 9 = 2241) Posters

Lists of those people who were met, had discussion and interviewed are shared in Annexure A

A detailed briefing regarding SRLM was held in HUIRA Head Office, Mingora Swat. The project implementation team facilitated the briefing. All relevant documents and records were provided. It was followed by District and Tehsil Bar Councils' visits, meetings with lawyers, interviews with stakeholders and hold focus groups discussions. An exclusive meeting with Chief Executive of the organization was also held.

In carrying out the entire exercise, evaluation norms, standards and ethical safeguards have been followed.

3. KEY FINDINGS & RECOMMENDATIONS

This section presents key findings of the assessment in relation to key achievements, project strategy and design and provides recommendations for further possible actions and interventions on each aspect.

3.1 RATIONALITY:

The review of the project proposal prepared by HUIRA indicates that this project is the result of previous work of HUIRA for the promotion of law abiding society in its working area. The project focuses on the involvement of communities, influential people and lawyers for strengthening rule of law. The study indicates that the project took into account the existing ground realities and aims to address the flagrant mistreatment of unaware strata including females in the legal sphere. The assessment demonstrates that the project is providing audacity to poor citizens, downtrodden people and oppressed females to be treated equitably in districts Bunir and Swat. The project is activating the communities and taking awareness as priority tool for justice and fair treatment in the legal framework.

Five types of brochures (booklets):

- Aaili qawanen se mutaliq malumat.
- Zamanat se mutaliq malumat.
- Paralegal ka kirdar.
- Bachoon ki tehwil se mutaliq malumat.
- Nan Nafaqa se mutaliq malumat.

**Total # Beneficiary
in four phases
=13479 * 5 = 67395
Brochures**

3.2 IMPACT:

“Next time if police try to slap me; I have the courage to stop them because now I know the law”. A community member who had participated in a Legal Aid Clinic.

The main beneficiaries of the project are communities in the rural areas and women in the project area (district Swat and Bunir). The core impact of the project, which the beneficiaries acknowledged during interaction with them, were the issues of unawareness and lack of information regarding their legal rights. The communities started to meet, discuss and share their matters in legal perspective. They feel strengthened after having access to lawyers, Tehsil Bar Councils, District Bar Councils and courts.

The communities started to believe that almost all disputes could be solved without maligning and hurting each other. Instead of taking revenge in the old traditional way, the people embarked upon to seek expert opinions on their disputes.

Furthermore, traditional *Masalekhati Jergay* (disputes settlement councils), were involved to settle the petty issues among the communities' members amicably which have been saving financial resources and time of the parties. Trained paralegals have been playing pivotal role. Women got a voice after getting awareness about their legal rights. Surprisingly, the men, who had got trainings, encouraged their women to participate in Legal Aid Clinics. Women are the most oppressed section in the society; knowledge about their legal rights empowered them to demand to be treated evenhandedly.

SLRM provided a good launching ground for young professional to come to polish their skills and improve their knowledge. There are 30 young Legal Aid Advisers working under the SRLM project with full professional zeal while receiving a subsistence support. Earlier to this project they were total dependent on the good will of senior practicing lawyers who by themselves were under work burden.

SLRM won the trust of judiciary of the project area courts, as judges are now referring the deserving cases to Legal Aid Disk for free consultancy.

Under SRLM regular advertisement is being published in local dailies which helped the locals to access to LAD and LACs.

Female students are getting courage to study law subject in colleges and become lawyers in densely manipulated courts by male lawyers and judges. The presence of female lawyers in courts / bar rooms, make women clients inspired and comfortable to take their cases to court for legal remedies. It can increase number of female plaintiffs.

3.3 SUSTAINABILITY:

"When number of female lawyers will increase, crime against women will decrease". A paralegal

The project has been conceived in such a way that it relies to a large extent on the existing facilities and networks available in the target areas. HUIRA has very good connection and credibility on grassroots level. Furthermore the organization has cordial relation with Districts and Tehsils Bar Councils.

Awareness on their legal rights steps up the communities to trust upon legal system which is quite essential for the law abiding society. All paralegals are volunteers, local and have the motivation to minimize conflicts in their respective communities.

All female lawyers and law students which got scholarships under the project are willing to play their due role. *“Now it is my job and identity. I faced a lot of hardships from the community, my family and my friends when I decided to become a lawyer. I am the only one female lawyer in Tehsil Bar Council, Matta, District Swat. Female complainants feel comfortable in my presence. I will persuade more and more female friends and students to join the field”* A female lawyer, who had got the scholarship, expressed herself during an interaction.

In the implementation of this program, relation between HUIRA and Bar Councils has been becoming further gregarious. The Bar Councils have their own pro bono mechanism under which they provide legal aid services free of cost to deserved litigants. Once the people get awareness of the scheme, they will struggle to for its utilization.

The involvement of new and young lawyers in the implementation of the program has been playing an essential role in its sustainability. Due to their participation in different programs/trainings by HUIRA, the right-based-approach of the young and new lawyers has been developing. On the other hand, they are active members of their respective Bar Councils. During a meeting with District Bar Council Bunir, the president said, *“We offer our hall, offices and premise to the Legal Aid Desk of HUIRA without any charges. We will continue and extend our cooperation because they people have been following right task. We also want rules of law, justice and harmony in our society.”*

3.4 MANAGEMENT:

The project is being implemented and run by a handsome team which includes Project Manger, M&E officers, Legal Aid Mobilizers, Legal Advisors, Legal Desk Officers and Data Entry officers. There are separate setups in Swat and Bunir for the implementation of the project. The team's members have their meetings and can decide day-to-day matters necessary for the smooth running of the project; however, critical issues could be decided only by Head Office in Mingora. Chief Executive has involvement at the time of project concept writing and negotiations with donors, Sometime, he visits to project implementing area, participate in the meetings and provide his guidance and suggestions.

There is proper mechanism of reporting of every activity and event. Every phase has its completion report. Record of all documents are maintained and kept properly and carefully.

3.5 PARTICIPATION:

The interactions of the Assessor with the beneficiaries and stakeholders have indicated that the participation in the program i.e. Legal Aid Clinics and meetings with legal aid advisors is keen by the communities and paralegals. Though the desired cooperation from police, lawyers and courts yet to be achieved. Some lawyers like and appreciate the idea (*establishing & promoting rule of law in the society*) and sometime do help with the project implementation team.

3.6 RECOMMENDATIONS:

- a. Gap (starting & ending time) between the phases of the project, plays mischievous role and badly affects the smooth progress of the program. In addition, sometime, it creates misunderstanding among the litigants and legal advisors, which is quite harmful for leading towards the goals of the program.

Generally, it promotes desperation among the stakeholders. To circumvent this anxiety and distraction, it is highly recommended to bridge the gap between the phases of the project. After ending of one phase, next should be started immediately.

- b. In the present project, there is only one Legal Aid Clinic (LAC) per Union Council (UC) per phase. Every UC is thickly populated and has many villages where one LAC seems insufficient to reach many people. So it will be productive if numbers of LACs are increased in per UC.
- c. Duration of timeframe of phases should be increased.
- d. Usually, people who belong to those villages where LACs were organized, do know about the Legal Aid Desks. They also realize the significant role of the program. However many people belong to other villages which also exist in the project area, don't have proper information about the facilities. Local print and electronic media (newspaper, newsletter, magazine, FM Radio, Cable TV etc.) can support to enhance outreach of the project. Social Media could be also used to access some educated people in those villages where LACs haven't been conducted so far.
- e. Legal Aid Mobilizers generally and female ones especially need to enhance their communication and liaison with paralegals.
- f. It will be rewarding if sometimes Bar Councils executives i.e. president, vice president, general secretary etc. are involved in the training of LACs. It will be a step forward towards the sustainability of the program.
- g. Police and Judges are also stakeholders of the project; they should be accessed and consulted regarding the concept, vision and implementation of the project.

- h. HUIRA may design a mechanism to access juveniles and offer them the facilities if they need.
- i. For long-lasting outcomes, it will be dynamic to form a forum or network of the paralegals which may play an instrumental role in the promotion of law-abiding society even after the completion of the project.

Name's Lists of all those people whom were met during the study

Annexure A

Strengthening Rule of Law in Malakand Programme				
Attendance Sheet of Impact study of SRLM Project				
Name of Activity:		Meeting of the Consultant with SRLM Staff		
Implementing Partner		HUIRA	District:	
Place of activity:		DBA	Number of Participants:	
Date of Activity		22-07-2015	Time of activity :	
S.No	Name	Address	Mobile# / Contact Number	Designation
1	Fazal Subhan	HUIRA		M&E Manager
2	Humayun Khan	Chupriyal Matta		Legal Adviser
3	Zarawar Khan	Islampur Swat		Legal Adviser
4	Noor Alam	Kishawra Swat		M&E Officer
5	Salma Saeed	Saidu Swat		project coordinator of SRLM
6	Humaira Shawkat	Haji Baba mingora swat		Legal Advisor
7	Nazakat	Mingora Swat		legal Aid Mobilizer
8	Khalida	Fizagat swat		legal Aid Mobilizer
9	Hasina	Baiadra Matta		Legal Advisor
10	Mehnaz	Gurra Matta		Legal Advisor
11	Allauddin	Rahim Abad Swat		legal Aid Mobilizer of buneer
12	Sher Zaman	Modren town Lahore		Consultant
13	Fawad Alam	Ghalegai		Legal Aid Mobilizer
Strengthening Rule of Law in Malakand Programme				
Attendance Sheet of Impact study of SRLM Project				
Name of Activity:		Meeting of the Consultant with District Bar Association, Gulkada		
Implementing Partner		HUIRA	District:	
Place of activity:		DBA Gulkada Saidu Sharif swat	Number of Participants:	
Date of Activity		23-07-2015	Time of activity :	

S.No	Name	Address	Mobile# / Contact Number	Designation
1	Fazal Subhan	HUIRA		M&E Manager
2	Zarawar Khan	DBA Swat		Legal Advisor
3	Hamidullah	DBA Swat		Advocate
4	M.Shafiq	DBA Swat		Advocate
5	S.F.Khan	DBA Swat		Advocate
6	Muazam Ali	DBA Swat		Finance secretary DBA Swat
7	Sham Sher Ali	DBA Swat		President DBA Swat
8	Umar Farooq Bacha	DBA Swat		Advocate
9	Wajid Ali shah	DBA Swat		Advocate
10	Ahmad Husain	DBA Swat		Advocate

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Attendance Sheet of Impact study of SRLM Project

Name of Activity:		Meeting of the Consultant with Tehsil Bar Association, Matta		
Implementing Partner		HUIRA	District:	
Place of activity:		Matta Bar Room	Number of Participants:	
Date of Activity		23-07-2015	Time of activity :	
S.No	Name	Address	Mobile# / Contact Number	Designation
1	Fazal Subhan	HUIRA		M&E Manager
2	Humayun Khan	Chupriyal Matta		Legal Adviser
3	BIBI Haseena	Baidara Matta		Legal Adviser
4	Abdul Qyoum Khan	Matta		community member
5	Hafiz Akhter Saeed	Chinala Durushkhela		Legal penal Memmber
6	Afsar ali	Matta		Legal penal Memmber
7	Rahatullah	Matta		Legal penal Memmber
8	M.Iqbal Khan	Chupriyal Matta		Paralegal

Strengthening Rule of Law in Malakand Programme

Attendance Sheet of Impact study of SRLM Project

Name of Activity:		Focus Group Discussion		
Implementing Partner		HUIRA	District:	

Place of activity:		Nazar Abad (Arkot)		Number of Participants:
Date of Activity		23-07-2015		Time of activity :
S.No	Name	Address	Mobile# / Contact Number	Designation
1	Fazal Subhan	HUIRA		M&E Manager
2	Ahmad Dost	Baidara		Paralegal
3	Nadar Khan	Bara Bandai		Paralegal
4	Jahan bahadar	kandaogai		community member
5	Rahim zada	kandaogai		community member
6	Abdul Hamid	Sadiq Abad		community member
7	Sami-ur-rahman	Sadiq Abad		community member
8	Fazal Rahman	Dchar		community member
9	Main Sahib	Shangwatai Seed Abad		community member
10	Tufail Muhammad Khan	Kuza Durushkhela		Paralegal
11	M.yahya Khan	Kuza Durushkhela		Paralegal
12	Sharifullah	Nazar abad		Paralegal
13	M.zafarullah Khan	HUIRA		community member
14	M.Ishaq	Arkot		community member
15	M.Shah Husain Khan	Arkot		Paralegal
16	Fawad Alam	Ghalegai		Legal Aid Mobilizer
17	M.khan	Nazar abad		community member

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Attendance Sheet of Impact study of SRLM Project

Name of Activity:		Focus Group Discussion at Shah Dherai attended by the Consultant		
Implementing Partner		HUIRA		District:
Place of activity:		Shah Dherai		Number of Participants:
Date of Activity		24-07-2015		Time of activity :
S.No	Name	Address	Mobile# / Contact Number	Designation
1	Fawad Alam	HUIRA		Legal Aid Mobilizer
2	Sultan Ali	Shah Dherai		community member
3	Muhammad Afzal Khan	Ghaloch		Paralegal

4	Shahid Ali Khan	Ghaloch		Paralegal
5	Muhammad Arif Khan	Shah Dherai		Paralegal
6	Adam Khan	Shah Dherai		community member
7	Azmat Ali	Shah Dherai		community member
8	Anwar Ali	Shah Dherai		community member
9	Akhtar Munir	Dardyal		community member
10	Saeed Anwar	Dardyal		community member
11	Yasir ali	Tall		community member
12	Muhammad Rafiq	Tall		Paralegal
13	Muhammad Sharif ullah	Shah Dherai		community member
14	Amin Khan	Tall		Paralegal
15	Irfanullah	Shah Dherai		community member
16	Manzoor Ahmad	Shah Dherai		community member
17	Iftikhar Khan	Shah Dherai		community member
18	Akhtar Hussain	Shah Dherai		community member
19	Azmat Ali	Shah Dherai		community member
20	Saees Ur Rehman	Mingora		HUIRA Driver
21	Anwar Ali	Tall		Paralegal
22	Nasim Wajid	Shah Dherai		Paralegal
23	Lutfullah	Dardyal		Paralegal

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Attendance Sheet of Impact study of SRLM Project

Name of Activity:		Focus Group Discussion attended by the Consultant		
Implementing Partner		HUIRA	District:	
Place of activity:		saidu sharif	Number of Participants:	
Date of Activity		24-Jul-15	Time of activity :	
S.No	Name	Address	Mobile# / Contact Number	Designation
1	Samreen Hakeem	College colony saida sharif		Paralegal
2	Naheeda	landikas		community member

3	Faryal	saidu sharif		community member
4	Farzana Shams	Kanju		Paralegal
5	nizakat	Kanju		Paralegal
6	Karishma Khan	Mingora		Paralegal
7	nazakat	mingora		legal aid mobilizer
8	salma saeed	saidu sharif		PC
9	Shehla	saidu sharif		HUIRA
10	Khilida	HUIRA		legal aid mobilizer
11	Azra	Kanju		Paralegal

Strengthening Rule of Law in Malakand Programme

Attendance Sheet of Impact study of SRLM Project

Name of Activity:	Meeting with DBA Daggar		
Implementing Partner	HUIRA	District:	
Place of activity:	DBA Daggar	Number of Participants:	
Date of Activity	25-07-2015	Time of activity :	

S.No	Name	Address	Mobile# / Contact Number	Designation
1	Muhammad Pervez	HUIRA		LAM
2	Shahid Ali Khan	DBA		Legal Aid Committee Member
3	Iftkhar Alam Khan	DBA		Legal Aid Officer
4	Gohar Ali	DBA		Legal Aid Committee Member
5	Abdul Shakoor Khan	HUIRA		Desk Facilitator
6	Fazal Subhan	HUIRA		M & E
7	Tariq	DBA		Legal Aid Committee Member
8	Abdul Marood Khan	DBA		G/S DBA Buner
9	Shams	DBA		President DBA Buner
10	Abdul Shakoor	DBA Totalai		President DBA Totalai
11	Syed Zahid Shah	Rega		Adv.
12	Irshad Khan	Tor Warask		Adv.
13	Allauddin	HUIRA		LAM
14	Muhtaram Shah	Anghapur		V. President DBB

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Attendance Sheet of Impact study of SRLM Project

Name of Activity:	Focus Group Discussion at Gaggra Kalpanai		
Implementing Partner	HUIRA	District:	

Place of activity:		Gaggra		Number of Participants:
Date of Activity		25-07-2015		Time of activity :
S.No	Name	Address	Mobile# / Contact Number	Designation
1	Rafiullah	Rega		Paralegal
2	Farman Ali Khan	Rega		Paralegal
3	Akbar Ali	Sunigram		Paralegal
4	Imtiaz Alam	Sunigram		Paralegal
5	Said Nawab	Matwanai		Paralegal
6	Muhammad Bilal	Shalbandai		Paralegal
7	Shah Wali Khan	Gaggra		Paralegal
8	Sahib Zada	Elai		Paralegal
9	Fazalb Subhan	HUIRA		M & E Manager
10	Allauddin	HUIRA		LAM
11	Rehnaz	HUIRA		Legal Adviser
12	Saman Murad	HUIRA		Legal Adviser
13	Muhammad Pervez	HUIRA		LAM
14	Muhammad Umar	Haji Abad		Paralegal
15	Fazaldad Sher	Shalbandai		Paralegal
16	Naizullah Khan	Nurzai		Paralegal
17	Ijaz Ahmad	HUIRA		Paralegal
18	Rahat Ali	Gaggra		Paralegal