

PRISON

PARALEGAL PROGRAM



ORGANIZATIONAL BACKGROUND

The Legal Aid Office Project operates under the umbrella of the Committee for the Welfare of Prisoners, a committee established by the Government of Sindh in 2004 for the welfare and legal assistance of underprivileged prisoners. The Committee is headed by Justice Nasir Aslam Zahid and operates in 21 prisons with the objective of promoting access to justice and legal empowerment for underprivileged prisoners. The Legal Aid Society is a sister organization of the Legal Aid Office which was founded in 2014 as a society with the objective of improving legal empowerment and access to justice for vulnerable and deprived communities, specifically women, children and religious minorities. In addition to providing direct legal representation before courts, both organisations have been involved with providing legal awareness and literacy to their beneficiaries through various programs. Since 2014, legal literacy and paralegal programs have been run across prisons. During 2014-2015 , 780 prisoners from 9 prisons were provided with basic legal literacy. As the program developed, LAS piloted a convict-led paralegal program in the Central Prison Karachi, the biggest prison facility in the province, where trained convicts would conduct legal literacy sessions for other inmates under supervision of lawyers. The first batch of 28 convicts was trained in August 2016. The program has since matured and the paralegal program has helped numerous new prison admissions at the Central Prison Karachi.

The program has also helped other inmates seeking legal information related to their cases or information on prison rules. Expanding the scope of the Prison Paralegal Program in the Central Prison of Karachi , LAO in collaboration with the Women Development Department & Home Department of the Government of Sindh is expanding the program in the Central Prison of Karachi and is replicating the model in the Women Prison in Karachi , Central Prison in Hyderabad and Central Prison in Sukkur.



WHAT IS LEGAL EMPOWERMENT

Unlike traditional 'Rule of Law' and 'Access to Justice' programs, which focus on improving the capacity of the justice system or improving accessibility, 'Legal Empowerment' programming adopts a different approach which centers around improving the capacity of the justice seeker or the end user. Ordinary citizens struggle to access formal legal systems for a plethora of reasons. These include the complex nature of the system – where laws and procedures are typically framed in English, complicated legal processes, large number of different institutions (such as specialized courts, ombudsperson offices, commissions, tribunals etc.), high costs in terms of money and time, perceptions of corruption and a lack of transparency, reliance on professional lawyers etc.

Legal Empowerment approaches aim to increase legal knowledge and capacity among justice seekers and support them on their journey to seeking justice. The approach also documents this journey in order to create an evidence base for reform. The approach can be broken down into three simple parts:

1. **Know Law:** Ordinary citizens, and particularly those in conflict with the law such as the accused in a criminal trial, should know the law. The focus of such legal awareness is on increasing knowledge of practical legal information that could help them understand their legal position and their legal options.

For prison inmates this could involve knowledge of substantive law, such as what section they have been charged under, what punishment they could face, whether the offence is bail-able or not etc. Knowledge of substantive law only becomes useful if it is coupled with procedural law. How can an accused apply for bail? What is the procedure to file an appeal? Or how can a prison inmate file a complaint etc.

2. **Use Law:** Once a person knows about the relevant substantive and procedural law, they could potentially use it to seek justice. People can file applications to the relevant department or to a tribunal etc. They can negotiate financial transactions better, having knowledge of their legal position. Unfortunately, knowing the law is often not enough to be able to use it. There are still numerous barriers to justice that an average person has to overcome. They may need resources to seek legal representation. They may need community support to stand against a powerful opponent. Vulnerable groups like the poor, women and children face numerous obstacles that knowledge alone cannot overcome.



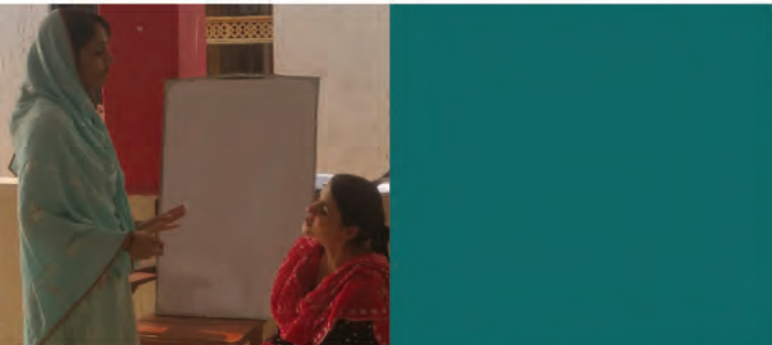
Legal Empowerment programs extend support to justice seekers to help overcome these odds and actually use the law. Possible support includes free legal aid, paralegal support, community organizing and referrals to other non-legal services such as medical help, counselling or shelter homes. This additional support is essential in order to help the vulnerable move from simply knowing the law to being able to use it.

2. Shape Law: There is no denying that our justice system has serious gaps. It is an expensive, time consuming, intimidating, alien system that is not responsive to the needs of the average litigant. Serious efforts are being made to reform the system though. Unfortunately, as is the case with most policy reform in Pakistan, new policies are based on perception rather than evidence. There is a severe lack of primary data, without which, there can be no meaningful impact assessment or continuous improvement.

Legal Empowerment programs can help gather primary data. In assisting people to access the justice system, programs can document user experiences to create an evidence base for policy reform. If we look at the data that the Legal Aid Office has, meaningful recommendations can be made based on an analysis of sentencing patterns, procedural issues such as non-appearance of witnesses, or non-production of the accused etc. Similarly, data from the Legal Advisory Call Center can provide insights into district level legal needs or a focus on needs related to criminal law, civil law, family law etc. Such studies can then inform recommendations for legislative changes, procedural changes or the allocation of resources by the justice system, leading to meaningful reform.

The three components of a Legal Empowerment program, together, can improve the outcome for an average justice seeker. An empowered justice seeker can help improve the state of the justice system by making it more responsive to the needs of the people.

Within this context, this document describes the role of a Paralegal. Paralegals are meant to help people know the law and to use it. Paralegals can also help document user experiences, and as such, offer a sustainable, cost effective way to support people in their quest for justice.

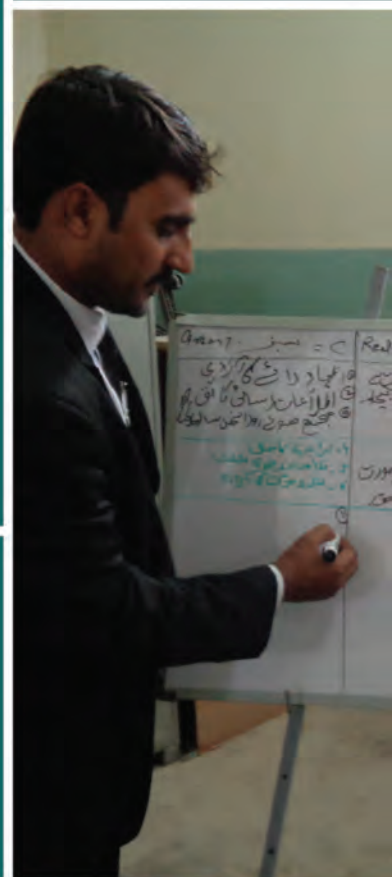


WHAT IS A PRISON PARALEGAL?

A paralegal is a person who is trained on substantive knowledge of legal matters but is not qualified as a lawyer. Paralegals work to help their community and assist individuals and the community on different legal issues. A 'prison' paralegal is a prison inmate who is trained on knowledge of basic laws including criminal law, prison rules, fundamental rights, criminal trial process, as well as other relevant civil laws such as property law and family law. The prison paralegal program conceives the prison as the relevant community in question and is designed to address the legal needs of the community members i.e. the prisoners. The primary mission of the prison paralegal is to assist community members in navigating the prison environment and their current situation as well as navigating the complex criminal justice system. Paralegals can help and support prisoners in finding solutions to their legal problems by offering legal information, connecting them with the Legal Aid Office and by helping them write applications etc.

All Prison Paralegals are volunteers who take up the role because of various motivations. All prison paralegals are convicts and have experienced the frustration of being a new arrival in prison with little knowledge of laws and procedures. They have all gone through the prison system as well as the criminal trial and sentencing process. Most paralegals are motivated by being able to assist other inmates who now find themselves in this situation. Additionally, the prison paralegal program also provides inmates with a healthy social activity and most paralegals have been granted a remission in their sentences in return for their volunteer spirit.

A prison paralegal can provide several distinct services. These include legal literacy and information for new under trial prisoners as well as other inmates that may want information on bail, appeals, and revisions. Paralegals are also a source of information on civil matters that may arise after a person is incarcerated, such as child custody and maintenance, property or inheritance laws etc. Paralegals also connect inmates with lawyers from the legal aid office if any prisoner wants specific legal advice or requires a lawyer. Finally, prison paralegals can help prisoners understand their rights, prison rules and can provide practical guidance on life in prison e.g. how visitations are arranged, how to obtain items of personal use and file a complaint etc.



OBJECTIVE
OF THIS

APPROACH

PRISONER

The objective of the Paralegal Service is to create a sustainable mechanism for all new inmates in the prison to be informed on prison norms and rules, prisoners' rights and duties as well as the criminal justice system and to spread legal literacy among all prisoners in selected prisons.

As stated earlier, the basic concept of Legal Empowerment, is to understand the law and have the ability and information to make independent decisions and to exercise control of their lives. Legal empowerment of prisoners is also useful for rehabilitation upon their release. The Prison Paralegal Program is a sustainable way i.e. a method that is not dependent on lawyers or additional resources to spread legal awareness. The focus of paralegal training is to build the legal knowledge and teaching ability of the paralegal in order to enable to conduct legal awareness sessions independently.

Once this stage has been achieved, the paralegal program will develop in order to provide the community with specific legal advice and legal services.





METHODOLOGY

SELECTION CRITERIA

- Paralegal selection plays a big role in ensuring the success of the program-
- Paralegals are only selected from volunteers and those who show interest – the program requires significant commitment and is a long term engagement.
- Only convicts that have a remaining sentence of 5 years or more are selected.
- The paralegal must be literate and must be able to read and write in the local language (Urdu).
- The inmate must not be charged with a heinous crime.



HOW THE PRISON PARALEGAL PROGRAM WORKS?

To promote better access to information for prisoners, a system will be set up and strengthened within the prison. This system not only provides paralegal training to prisoners but, for sustainability, it will support trained convicts in leading the paralegal program for other inmates in Central Prison Karachi, Hyderabad and Sukkur as well as the Women Prison Karachi. The program may be expanded to other prisons in Sindh which have a population of 1000 inmates or above.

- The selected convicted prisoners working as paralegals shall orient new jail admissions on legal rights, remedies and criminal law and procedure.
- The paralegals will use interactive teaching methods in order to ensure participation and meeting learning objectives. Interactive teaching is recognized as more engaging and effective compared to lecture based sessions.
- Paralegals will conduct these legal awareness sessions periodically according to the rate of new arrivals in each prison. E.g. sessions are planned twice a week at Central Prison Karachi but only once every two weeks at the Women's Prison.
- LAO provides training material, a Paralegal Reference guide, posters and pamphlets etc. Reference material is developed as per need and is produced in English, Urdu and Sindhi.

- LAO also provides training equipment and resources like whiteboards, markers, note pads etc.

- LAO uses allocated teaching space inside prison for paralegal sessions-

- LAO awards a special certificate for inmates who successfully complete the paralegal training program and continues to

lobby for remissions for paralegals.



LAO and LAS have developed its own methodology for selecting and training paralegals as well as monitoring and supervising their performance. The organization is aware of the fact that each prison has a different environment and inmates of different profiles. When implementing the methodology described below, variations have to be made keeping in mind the prison population, ratio of convicts to under trial prisoners, security concerns, resources and the cooperation of prison authorities.

TRAINING PROGRAM

LAO trains its staff through a ToT and refresher training on Legal Empowerment and Paralegal Training.

Selected Paralegals are given substantial legal training. The training comprises of 8 training sessions which vary depending on whether the program is in adult male or female prisons.

Topics for training include: What is Law and the Constitution, Fundamental Rights, Criminal Law, Criminal Procedures, Probation & Parole, and Prison Rules.

Additional customizable topics include family law, domestic violence, property law and inheritance. Juvenile justice may be added for legal literacy classes conducted in juvenile detention facilities.

3 additional training sessions are held to train selected participants on “paralegal skills”. These include a revision of some legal concepts and have a focus on teaching techniques.

Paralegal training is a continuous process. Paralegals shadow LAO staff conducting legal literacy classes and also receive feedback after each session so that they may improve their skills. New paralegals must be trained every six to eight months as trained paralegals may be transferred or released or may suffer from trainer fatigue.



ADVANTAGES OF THE PROGRAM

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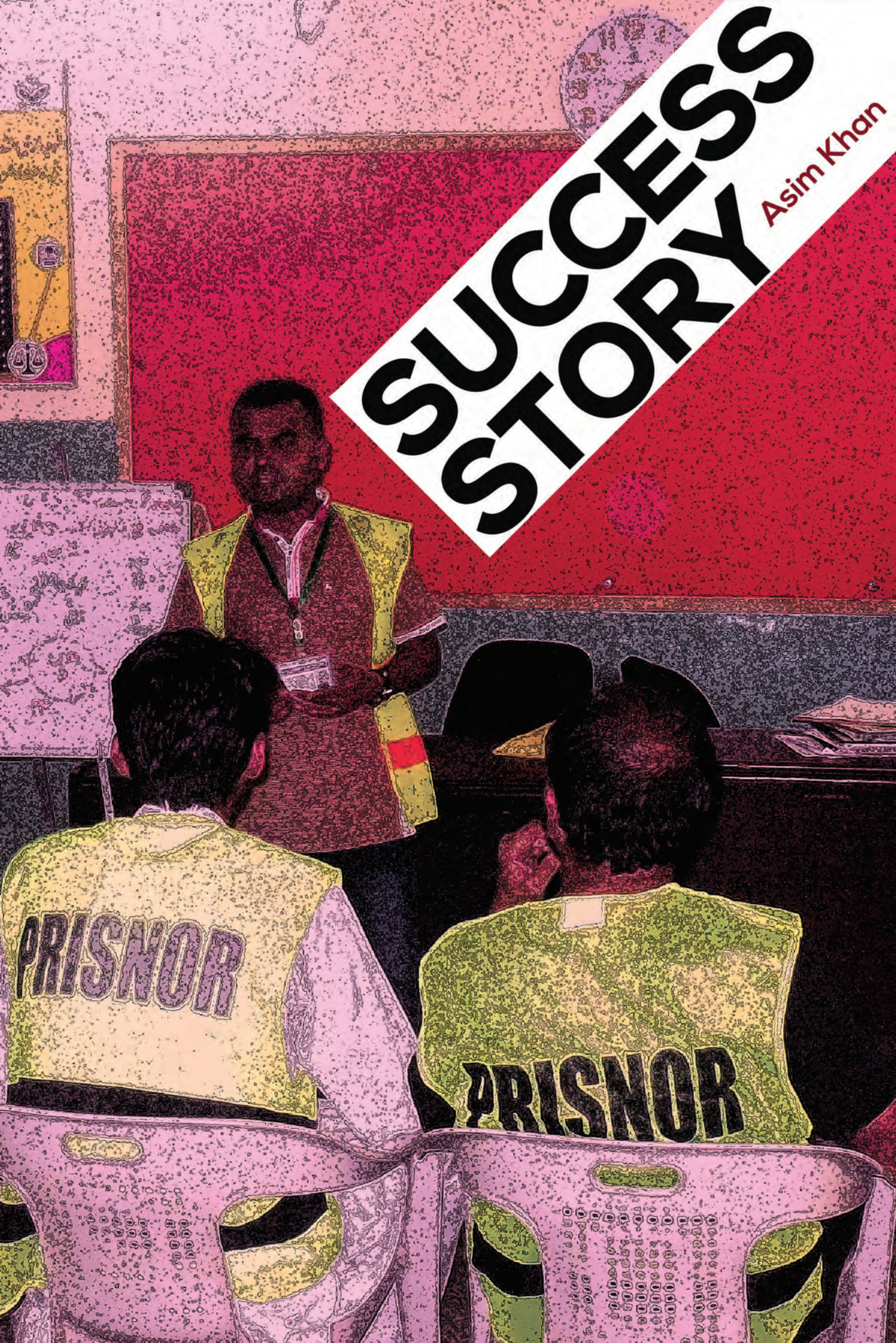
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SUCCESS STORY

Asim Khan



STRIVING FOR JUSTICE

ASIM KHAN

Asim is a 28 year old paralegal who has been working with the Legal Aid Society since 2015. Asim attended the paralegal training classes when he was an under trial prisoner in District Prison Malir and showed great enthusiasm and promise as a trainee and over the course of 3 years, Asim has become the most experienced paralegal that LAS has trained and deployed at the Central Prison Karachi.

Asim comes from a large family, with five sisters and three brothers. He is youngest in the family, however being the most educated, took on financial responsibility for his mother and sisters when his father away in 2007, the family found out that they had substantial property in Swat. The insurgency was in full swing in 2007 and Swat was practically a no-go area, however, Asim returned to Swat to claim his father's property. The property had been claimed by distant relatives. A local influential who refused to recognize the families claim has threatened Asim with dire consequences. Undeterred, Asim pressed his claim and began the process of regularizing the paper work.

When the occupiers of the property realized that Asim wouldn't back down, they used their influence to register multiple cases against him. Asim was accused of being their tenant for a property in Karachi which he allegedly forged papers for and tried to sell. Other cases were registered in Karachi, Lahore and Peshawar alleging that Asim was driving a car with fake number plates. All the cases were registered within days of each other and the first FIR was registered against him on 28th March 2012.

Since 2012, Asim has been confined in prison, trying to prove his innocence. He has now been acquitted of all charges against him in Karachi. Asim has also been the victim of a predatory legal profession and has engaged four different lawyers over the course of the first 2 years. Each lawyer charged between twenty and fifty thousand rupees. Eventually fed up with inadequate representation, Asim decided to fight his cases himself. He was acquitted in the last case against him in April 2017 and has been waiting to be transferred to Lahore or Peshawar to face the cases lodged against him there. The Legal Aid Office will be assisting Asim in securing his transfer, which has been pending for no reason for almost a year now.

Asim's involvement in the paralegal program has been very beneficial for the program and for Asim himself. His experience of navigating the legal system on his own has been a big asset for the program. He credits his ability to argue his own case to his learning about the law from the paralegal training sessions and from his interaction with LAO lawyers who would guide him from time to time. He also feels the program has helped him develop teaching skills and improved his relationship with prison administration. Asim has also been a keen advocate for the program, spreading awareness of the service among prison inmates as well as the prison administration and the media. His commitment to the program is entirely voluntary and is based on his desire to assist others who are in the same position as he once was.

Asim claims the program has been hugely beneficial for new inmates – helping them to come to terms with the new environment. Before the paralegal program, older inmates would help explain the law and other issues to new inmates, however, having a structured program to create basic legal awareness has really helped participants feel more confident and helps give people hope. Improved legal awareness can empower people to seek relief. Access to reliable legal information and advice through LAO lawyers is also an essential service. Most inmates in prison complain about being taken advantage of by their lawyers or not being given updates or explanations about case progress. Some unscrupulous lawyers make big promises and then consistently fail to deliver once they have received fees. In such situations, the paralegal program and access to legal advice can help inmates by either guiding them on procuring legal services or in understanding their cases better.

The paralegal program has a long way to go, and Asim's advice is the program should be spread to reach every prisoner in the province. He says a prisoner is completely cut off from society and compares inmates to a mobile phone from which the sim card has been removed. Over time, relatives visit less frequently and trips to court, the only temporary respite from prison also become less frequent. In such situations, any service that can help people secure early release or a reduction in their sentence, or can make their lives in prison more humane and tolerable is a valuable service to society.

